# REPORT RESUMES

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A TIME TO LISTEN, A TIME TO ACT, VOICES FROM THE GHETTOS OF THE NATION'S CITIES.

COMMISSION ON CIVIL RIGHTS, WASHINGTON, D.C.

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THIS REPORT SUMMARIZES TESTIMONY GIVEN BEFORE HEARINGS OF THE U.S. COMMISSION ON CIVIL RIGHTS AND BEFORE THE COMMISSION'S STATE ADVISORY COMMITTEE. THE TESTIMONY OF THE GHETTO RESIDENTS, COMMUNITY AND CIVIL RIGHTS WORKERS, TEACHERS, AND POLICE OFFICIALS IN A NUMBER OF LARGE URBAN AREAS FOCUSED ON SUCH MATTERS AS RACIAL ATTITUDES, HOUSING, HEALTH, WELFARE, EDUCATION, UNEMPLOYMENT CONDITIONS, AND POLICE-COMMUNITY RELATIONS. WITH RESPECT TO THESE MATTERS, THE GHETTO RESIDENTS EXPRESSED A SENSE OF FRUSTRATION, HOPELESSNESS, FEAR, AND ANGER. THE CONCLUDING SECTION OF THE REPORT NOTES THAT THE GOVERNMENT, DESPITE PROMISING LEGISLATION AND PROGRAMS, HAS BEEN INEFFECTIVE IN REGULATING RACIAL DISCRIMINATION AND EXPLOITATION. EXCERPTS OF THE TESTIMONY ARE QUOTED EXTENSIVELY THROUGHOUT THE REPORT. (LB)

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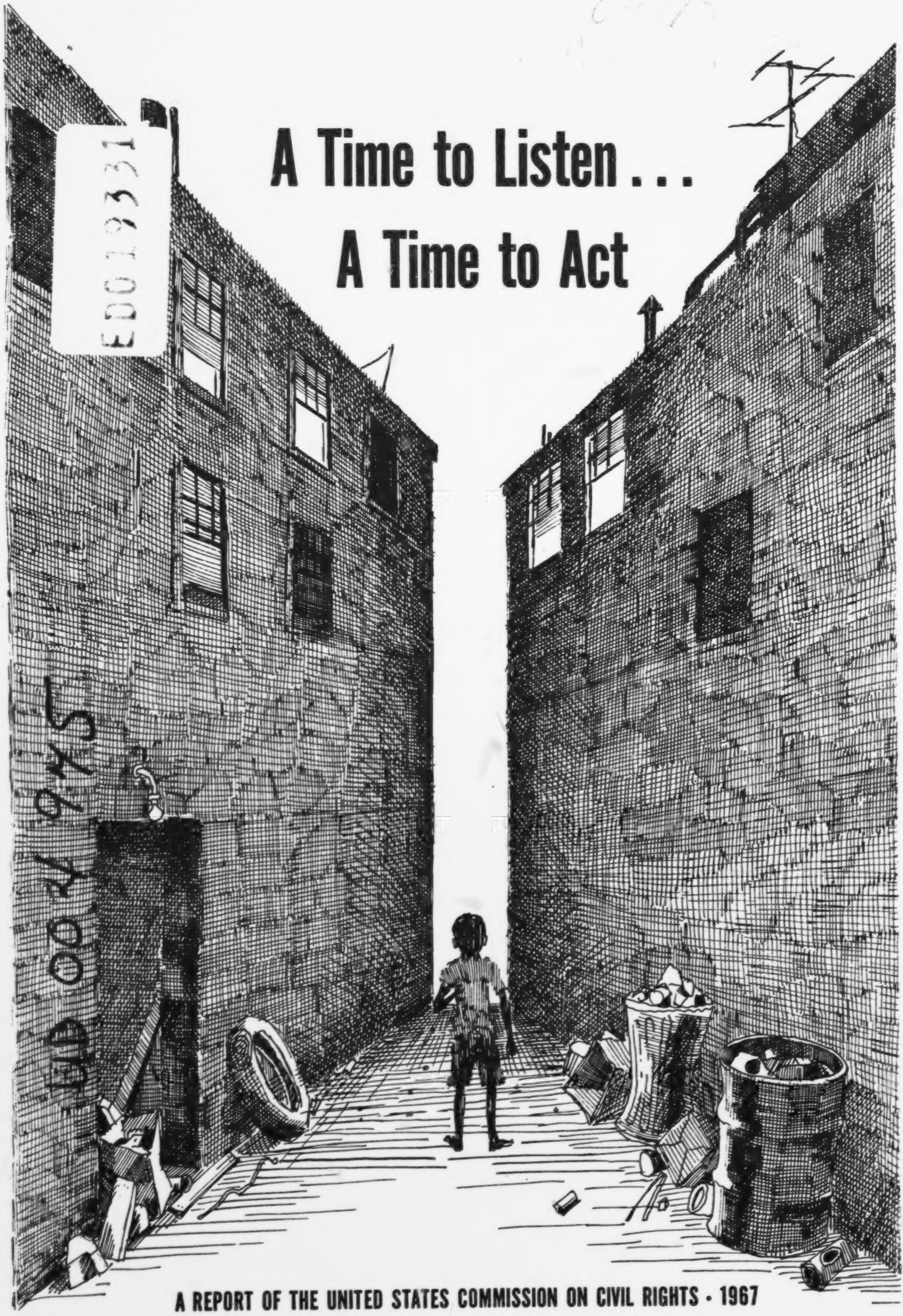
# A Time to Listen . . .
# A Time to Act



A REPORT OF THE UNITED STATES COMMISSION ON CIVIL RIGHTS · 1967

## U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
- Appraise Federal laws and policies with respect to equal protection of the laws;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws; and
- Submit reports, findings, and recommendations to the President and the Congress.

*Members of the Commission*

John A. Hannah, *Chairman*
Eugene Patterson, *Vice Chairman*
Frankie M. Freeman
Erwin N. Griswold*
Rev. Theodore M. Hesburgh, C.S.C.
Robert S. Rankin

William L. Taylor, *Staff Director*

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*Subsequent to the approval of this report by the Commissioners, Commissioner Griswold was nominated by the President to be Solicitor General of the United States. On Oct. 13, 1967, following his confirmation by the United States Senate, Commissioner Griswold submitted his resignation as a member of the Commission and it was accepted by the President on Oct. 16. Commissioner Griswold was sworn in as Solicitor General on Oct. 23, 1967.

# a time to listen .....
# a time to act

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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## Voices from the ghettos of the Nation's cities

UD004 975

U.S. Commission on Civil Rights
Washington, D.C.
November 1967

# LETTER OF TRANSMITTAL

THE U.S. COMMISSION ON CIVIL RIGHTS
*Washington, D.C., November 1967*

THE PRESIDENT
THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Sirs:

The Commission on Civil Rights presents to you this report pursuant to Public Law 85-315, as amended.

The report summarizes the testimony given at Commission hearings and at open meetings of the Commission's State Advisory Committees concerning urban racial problems. The testimony—generally given by persons who live in slum ghettos or who deal with ghetto problems daily—provides insights into what slum residents think and feel about the conditions in which they live. Although the Commission has issued and will continue to issue in-depth reports on urban civil rights problems, we believe it is important to share with you as soon as possible what we have heard at our hearings and open meetings. We are transmitting a copy of this report to the President's Commission on Civil Disorders for such use as that Commission deems appropriate.

We urge your consideration of this report and its conclusions.

Respectfully yours,

JOHN A. HANNAH, *Chairman*
EUGENE PATTERSON, *Vice Chairman*
FRANKIE M. FREEMAN
ERWIN N. GRISWOLD
REV. THEODORE M. HESBURGH, C.S.C.
ROBERT S. RANKIN

WILLIAM L. TAYLOR, *Staff Director*

# Contents

Page

Letter of Transmittal.................................... iii

Acknowledgments.................................... vii

Introduction.................................... 1

*Chapter 1. ". . . All We Can See is Darkness Ahead."* 5

I Felt Like I Was in a Cage 5. Children in the Ghetto 9.

*Chapter 2. ". . . A Slum Neighborhood Is What You Would Call It."* 13

A Bare House 13. Urban Destruction 15. Rats 16. Poor Services 18. Streets and Sanitation Services 18. Transportation 19. Health Care Facilities 20. The Police and the Ghetto 21.

*Chapter 3. "The Main Problem Is Money."* 27

Living on Welfare 29. Domestic Work 36. Exploitation 36. Business and Property 38.

*Chapter 4. "You Just Can't Make It."* 41

The Role of the Ghetto School 41. Economic Opportunity 49. Job Training Programs 49. Exclusionary Union Practices 52. The Flight of Jobs 58. Housing 60. Owners and Realtors 61. Finance Industry 63. Builders 63. Role of Government 64.

*Chapter 5. ". . . An Isolated, Elite Type of Community."* 69

Racial Isolation and Social Responsibility 69. Racial Isolation and White Attitudes 72.

*Chapter 6. "Look, Baby, Nobody Is Going To Help You But Yourself."* 81

The Will to Act 81. Militancy in Minority Communities 85.

Conclusion.................................... 89

Footnotes.................................... 93

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The Commission expresses its appreciation to the many private citizens and government officials who assisted the Commission staff members during the months of investigation and preparation for the hearings and open meetings. Special thanks are owed to those whose testimony at Commission hearings and statements at open meetings of the Commission's State Advisory Committees in cities across the land form the basis for this report.

The Commission also expresses its gratitude to members of the Commission's State Advisory Committees, particularly the Committees in New York, Georgia, Tennessee, California, New Jersey, Indiana, Ohio, Massachusetts, Illinois, Texas, and Utah, whose reports and open meetings have been invaluable to the Commission in its consideration of urban racial problems.

The Commission also is indebted to Howard A. Glickstein, General Counsel, and David Rubin, Deputy General Counsel, who directed the following members and former members of the Commission staff in preparation of this report: Edward Beis, George Bradley, Edna Bush, Sophie Eilperin, Jonathan Fleming, Sara Green, Treola Grooms, Sandra Hall, Mary Hanson, David Hunter, Wilbur Jenkins, Roy Littlejohn, Roger Lowenstein, Jo Nell Monti, Leda Rothman, Everett Santos, Richard Seymour, Celestine Sledd, Diann Stanley, Naomi Tinsley, Stephanie Wenkert, Ruth Whitaker, and Sheila Wilson.

Finally, the Commission is indebted to the many staff members who conducted and assisted in the investigations preparatory to the hearings and open meetings held during the past two years.

# Introduction

During the past two years the United States Commission on Civil Rights and the Commission's State Advisory Committees have held hearings and open meetings in many of the Nation's urban areas. The hearings and meetings, held pursuant to the jurisdiction conferred upon the Commission by the Civil Rights Act of 1957, as amended, have been designed to study and collect information concerning the extent to which conditions in Negro slum ghettos and Mexican American "barrios," or the actions or inaction of Federal, State and local governments with respect to such conditions, constitute a denial of equal protection of the laws because of race, color or national origin. They have served also to appraise the adequacy of Federal laws and policies to secure equal protection of the laws for persons living in these areas and have provided a forum for the dissemination of information concerning the denial of equal protection.

Commission hearings were held in four Metropolitan areas: Cleveland, Rochester, Boston and San Francisco-Oakland. In Cleveland, most of the testimony was heard in the Liberty Hill Baptist Church, located in the Hough ghetto. State Advisory Committee open meetings were held in Los Angeles, Newark, Boston, Gary, Atlanta, Nashville, Peoria, Oakland, Houston, New York City and Memphis.

The testimony—generally given by residents of slum ghettos or persons who deal with ghetto problems daily—often was vivid and provided insights into what slum residents think and feel about the conditions in which they live, about white people, about government, and about American society. Emerging from the testimony is a picture of ghetto life which affords possible answers to questions sometimes asked by white people about minority groups, i.e., What do they want? Why don't they work? Why can't they, like early immigrant groups, simply better their condition and move out of slum areas through personal effort? The testimony also has assisted the Commission in understanding the nature and magnitude of the commitment this Nation must make if it is to remedy the economic and social injustice reflected in the Commission hearings and Advisory Committee meetings.

An explanation of the Commission's factfinding techniques may be helpful to an understanding of this report.

To obtain relevant information, the Commission holds hearings to which it may subpena witnesses and documents. All testimony is given under oath. The 51 State Advisory Committees appointed by the Commission may hold open meetings to which citizens and public officials are invited to present their views on the problems within the Commission's jurisdiction. The hearings and open meetings are held after extensive field investigations by the Commission staff.

Months in advance of the Commission hearings staff members conducted interviews with many persons representing various economic and social levels in the areas under investigation. In this process they talked with people holding widely differing views. In all, more than 2,000 individuals were interviewed during preparations for the hearings in Cleveland and the San Francisco-Oakland Bay Area. For the hearings in Rochester and Boston several hundred people were interviewed in each city. People interviewed included residents of the ghetto, some who were in school and some who had dropped out, some who were working and some who were unemployed, some who were articulate and some who had difficulty in expressing their feelings, some who were on welfare and some who were not. In addition, interviews were conducted with members of civil rights groups and civic organizations, businessmen, school teachers and administrators, police officials, sociologists, psychiatrists, and elected and appointed officials at the Federal, State and local levels. In each city studied, staff members attended public meetings and visited schools, churches, bars, pool halls, lodge halls, grocery stores and barber shops to meet and interview people.

The witnesses who testified at the hearings were selected to enable the Commission to explore the most significant issues resulting from the interviews. The Commission heard testimony from a variety of witnesses with a wide range of views.

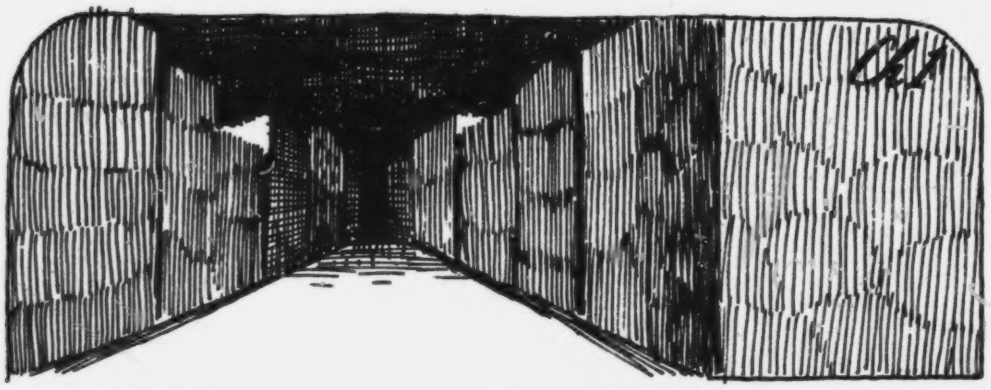
This report summarizes the testimony given at the hearings and open meetings. It is hoped that in this way, the testimony will be brought to the attention of a wider audience than would be reached by the transcripts of the proceedings.

Because of the limitations of time, each hearing or open meeting was devoted to selected topics. Thus, the Cleveland hearing in April 1966 consisted of five days of testimony concerning housing, health, welfare, education, employment and police-community relations. The Rochester and Boston hearings in the fall of 1966 were limited to testimony about equal educational opportunities for Negroes in those cities. At the San Francisco Bay Area hearing in the spring of 1967, the Commission sought to explore in a metropolitan context a wide range of problems in the fields of housing and employment for minority groups. Because of such limitations, some important issues only are touched lightly or not at all. Often the discussion of issues is not as exhaustive as would be expected of a research study. Nevertheless, certain problems emerged with sufficient clarity from the recent hearings and open meetings to warrant bringing them to public attention in this report.

In selecting quotations from lengthy transcripts, the Commission was guided by the need for a concise report. Only major topics and themes are covered. Interested readers will find further details in the full, original transcripts of the Commission hearings which are available to the public. Transcripts of the State Advisory Committee meetings may be inspected in the Commission's office.

Most of the testimony in this report is presented to show what people are thinking and feeling. The views presented, except as otherwise indicated, are those of the witnesses, not of the Commission. The Commission believes nevertheless that the subjective views of people directly affected by or dealing with ghetto conditions merit the close attention of the American people. What people think about the conditions in which they find themselves often is as important as the actual conditions.

The nature of the Commission hearings and State Advisory Committee meetings permitted slum residents and those who work with them to discuss their problems candidly in a dispassionate atmosphere. The public and its elected representatives, through listening to these voices, may obtain a better understanding of the conditions and the problems as they exist or are perceived in the cities of the Nation.



# "... all we can see is darkness ahead"

## "I Felt Like I Was in a Cage"

> *When they have to get out on the street at 14 or 15 they consider themselves to be a man and are going to take on some responsibility because he is the only man in the house and he has little brothers and sisters in the house and he sees his mother and brothers and sisters going hungry, half starving and trying to get the rent in. It is a bare house, like it is a cold feeling even to be there and you have to go out on the street and become the subject of the same thing out there. There has to be a breaking point.*[1]

James A. Richards, a Negro youth with a prison record, helped stop the disorder which raged in San Francisco's Hunters Point for several days in 1966. He told the Commission:

> *One minute we are looking ahead and we think we see something and we turn around and again all we can see is darkness ahead. And sometimes at a time like this all they can do is strike out into the night. They don't know what they are reaching for out there.*[2]

The Hunters Point riot, he said:

> . . . *wasn't a major thing. It was just an idea to strike out at something and someone. Even if you don't do anything but break a window or a chair or something like this, you feel that you are hurting a white man or something like this because the white man is the one that is doing everything to you that causes you to have all these problems on you now.*[3]

Charles Evans, an unemployed resident of Boston's South End slum, told the Commission's Massachusetts State Advisory Committee:

> *If nothing changes there is going to be trouble. People are tired of talking to themselves. My grandmother said things would get better and my mother said they're going to get better but I don't see any change. The cops keep pushing us, telling us to move on. We are in perpetual motion.*[4]

Mrs. Jacqueline Taylor, a Negro resident of Midtown West—a slum ghetto in Gary, Ind.—felt that she was caught in a treadmill:

> *I mean outside of this district time marches on . . . . They build better and they have better but you come down here and you see the same thing year after year after year. People struggling, people wanting, people needing, and nobody to give anyone help.*[5]

To Mrs. Taylor, her neighborhood was "a quagmire, a big quicksand":

> *. . . just like you step in something, you just sink and you can't get out of it. You get in this place and, I don't know, there is something about it that just keeps you.*
> *I guess it's the low adequacy of the housing . . . the low morals of the whole place. It's one big nothing. It's one big nothing. I mean you can live here for millions and millions of years and you will see the same place, same time and same situation. It's just like time stops here.*[6]

Robert Jacobs, who once lived in a Negro public housing project on San Francisco's Potrero Hill, described the feelings harbored by the residents of that ghetto.[7] He said they felt as if they were "in a cage, and I felt like I was in a cage." [8] To Mrs. Charlotte Gordon, a Negro mother in Gary, her neighborhood was "more or less a trap." [9] Asked what she would do if she had sufficient income, she replied:

> *The first thing I would do myself is to move out of the neighborhood. I feel the entire neighborhood is more or less a trap. If you check back and check the people on welfare now, nine times out of ten they are people that have been on welfare before . . . .*[10]

Charles Evans had even stronger feelings:

> *Being a Negro in Boston is the worst thing in the world . . . you have no way to communicate with anybody. You can't find a decent job or a decent place to live.*[11]

These feelings of hopelessness and isolation were recurrent themes in the testimony of slum residents.[12] Mr. Jacobs described Potrero Hill as separated from the rest of San Francisco by an "invisible wall."[13] Walter Robinson, a community organizer, testified that the Negroes on Potrero Hill "see themselves as isolated people who have to go it alone because the other people aren't really concerned about them."[14]

Edward Becks testified about the development of East Palo Alto, a suburban California community of some 25,000 people which is about 80 percent Negro. It was his belief that "the East Palo Alto area has become more and more cut off from the general community" so that the younger generation in the community "has no concept of any social relationship with any people other than Negroes."[15] Guido St. Lauriant of the Blue Hill Christian Center in Boston attempted to convey the isolation[16] felt by people living in Boston's Roxbury slum:

> *You hear people talk about the suburbs, but Roxbury is really a suburb because we are out of everything. We don't get any communication.*[17]

This feeling of being "out of everything" is an aspect of the strong belief held by residents of slum ghettos that they are powerless.[18] The Massachusetts State Advisory Committee, summarizing what it had heard at open meetings in March and April of 1966, reported:

> *A recurring theme during the four days of meetings was the powerlessness of the Negro community. Whether the people were discussing housing, employment, welfare, the poverty program, education, or municipal services, they inevitably made the point that no one listens to them, no one consults them, no one considers their needs. More than a score of speakers pointed out to the Committee that the Negro in Boston is devoid of political power.*[19]

Many slum residents complained that they were not allowed to participate in decisions directly affecting them. In Oakland, for example, witnesses testified that urban renewal officials for many years failed to consult residents of areas scheduled for destruction before formulating renewal plans. Mrs. Lillian Love, who had lived in Oakland for more than 40 years, testified that her family had lost three homes as a result of urban renewal projects. She said:

> *There has never been, except for the last few years, any concern for what the people wanted. They were not even made aware or informed as to what was really going to happen.*[20]

One of the redevelopment projects which caused a great deal of resentment in the Negro community in Oakland was the Acorn project. According to Mrs. Love:

> *When the surveys were made it was said that there were only five houses that were worth saving in that area. This was not true . . . . at the public hearing the protests that arose at that time—and it was too late—indicated that the survey itself had not touched the people who occupied the area.*[21]

Mrs. Carole King, who belonged to an organization of welfare mothers in Cleveland, testified that she had suggested to welfare officials "that we all get together with county, State and Federal officials to sit down and discuss the problems." According to Mrs. King:

> *They seemed to think it was a ridiculous offer and what do we have to offer. They would probably be surprised. We probably could work something out that would actually help the mothers and fathers that are on the welfare programs. We are not even accepted as human beings. . . .*[22]

In San Francisco, Orville Luster, Executive Director of Youth for Service, an organization working with unemployed youths, complained about not being consulted in the formulation of programs affecting his community.[23]

Negro witnesses felt that their destinies were not in their own hands, but in the hands of white people who live in the suburbs. Donald McCullum, President of the Oakland Branch of the National Association for the Advancement of Colored People (NAACP) and Chairman of the West Coast Region of the NAACP, testified:

> *Oakland is run or ruled by Piedmont, by San Leandro, Orinda, and Lafayette [white suburban communities]. The base power of this community resides there. The problems, the needs are here in Oakland.*[24]

Mr. McCullum was asked about Negro representation in local government:

> *We have a City Council, and until just very recently there were not any Negroes on the City Council. . . . But at the times that those in power determine that it is good and proper that a Negro be placed on the City Council, such occurs.*[25]

## *Children in the Ghetto*

Negro children, as well as adults, feel isolated from the white community. Calvin Brooks, a graduate of a predominantly Negro high school in Cleveland, testified at the Cleveland hearing that he had never known a white person until he was 14 or 15 years old:

> *Well, I had never known a person of my own age who was white because I was raised in a predominantly Negro area. I was educated in a Negro school, I went to a Negro church, and everyone I came in contact with was Negro and I didn't know anything about a white person in as far as their actions—I didn't think they were different. I just didn't know them. I didn't think they even existed because I looked at my arm and my face, it was brown and I thought that was natural because everyone else around me was brown.*[26]

Mrs. Percy Cunningham, a teacher in an almost all-Negro junior high school in Cleveland, summarized her students' attitudes towards the white community:

> *. . . I find that many of the students feel that the white community is something that is way out, it is out of Cleveland. There is no white community in Cleveland as far as many of the pupils are concerned.*[27]

Negro children also expressed feelings of hopelessness. Calvin Brooks described the impact of his school on its pupils:

> *. . . it had an effect because they were there and all they saw were Negroes and they were raised in an environment of poverty and the building was old and it had an effect I don't know of—of hopelessness. They didn't think that they could do anything because their fathers had common labor jobs and they didn't think they could ever get any higher and they didn't work, some of them.*[28]

In Cleveland, Dr. Robert Coles, a child psychiatrist from Harvard University who has done clinical studies of Negro children in Boston and Cleveland as well as in the South, testified about Negro children in the North. A technique which Dr. Coles uses in working with children is to have them draw pictures of familiar things. He described the picture a Negro boy drew of his home:

> *This house is a shambles. It is a confused disorderly house for a child that can do better and has done better. He has*

> *much better drawing ability. The house is deliberately ramshackled. There is a black sky and what might pass for a black sun or in any event a cloud of black. The ground is brown and not green, and there are no flowers. It is a dismal place. There is a cross on the door. The child told me that the property was condemned.*[29]

Children who live in slums, like children anywhere, are highly impressionable. Mothers who live in slums, like mothers everywhere, are concerned about the effects of the environment upon their children. Mrs. Charlie Jones spoke of the difficulties of raising her children in a Gary slum:

> *Well, where I live this is really a slum neighborhood is what you would call it. And, well, you know, a lot of taverns around there, you know, a lot of people that doesn't live there. It's whiskey stores there. They will come and they will buy the whiskey and they sit in the car and drink it in this neighborhood because this is just a slum and who cares. And all this, your children see all this. They have to grow up right with all this.*[30]

Mrs. Ethel Plummer, a mother who lived in Cleveland's Hough area, feared the effect that the environment might have on her son:

> *Well, Sam see a* [*pimp*] *with $125 suit and a big car and he feel that he won't have to go to school because he can get the same thing that this other—have—well, they may want to do the criminal things so they can get the same things that this other friend has and he may want to leave school for this easy life.*[31]

Mrs. Taylor of Gary described her struggle to help her children overcome the effects of their environment:

> *I try to show my children the beautiful things that are in ugliness. There are beautiful things in ugliness if you look at it, if you have the insight to look at it that way. And then I will tell them about different things and try to put adventure in their souls, they are still young, so they can pull themselves out.*
>
> *And maybe if they are strong enough or if I can pull them out, they can reach back and give me a hand and pull me out. Meanwhile I have to pull them out. I have to be a mother first and a woman second every time. I can not put my own feelings above anything else.*[32]

Negro children at an early age see that they are not accepted as equals in American society. Dr. Coles repeated a Negro youngster's explanation of why she drew a picture of herself sitting in the back of the schoolbus which took her from her neighborhood to a predominantly white elementary school.

> *". . . [T]hey say they are going to stop us from coming here soon, and so no more bus rides."*
>
> *I pressed on, "But why are you sitting where you are in the picture?"*
>
> *"If we are going to leave anyway, we might as well sit in the back and then we can leave when we have to, then we won't disturb anyone."* [33]

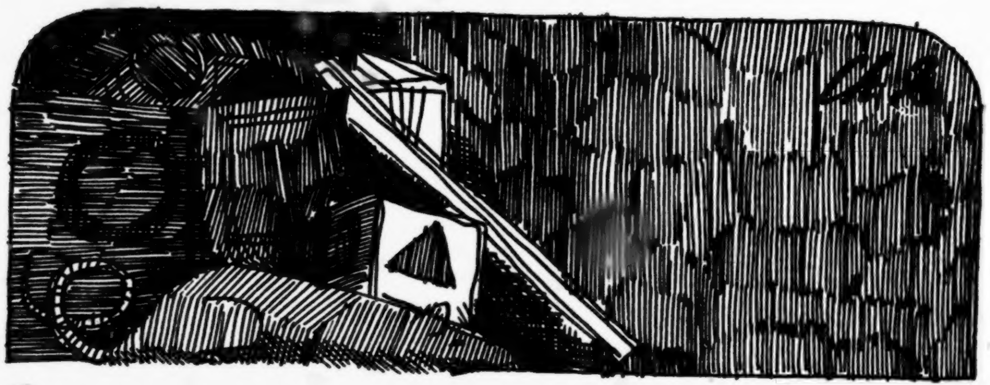
Dr. Coles told the Commission that Negro children "become confused and, at a very early age, filled with despair and depression" at the discrepancy between the ethic or rhetoric of equality in the North—"what is proclaimed"—and the actual fact—"what is". He explained:

> *They doubt what is, they doubt the value of what is and become rather bitter, rather scornful, rather cynical, and I think at times, rather willful and unable to study, or unwilling to study. Many of the children I have talked with in Cleveland, just as the children I have been seeing now, for almost two years, in Boston, see this world with a precision and a clarity that I must say that I have not always seen. They see what jobs they will or will not be able to get. They see the futility of even the training programs that are offered them because they know the jobs that they will be trained to do will not be available to them in unions or in business.*
>
> *They see themselves as cornered and they see the school as, in a sense, a mockery of society rather than a reflection of its best attributes.*[34]

Miss Patricia Delgado, speaking for a group of Spanish-speaking high school students in San Francisco, testified about their frustration at what they feel is the hypocrisy in American society:

> *. . . [W]e go to school and we all want to go to college. We want a good education and we set out for it. . . . We try to go to school and . . . the first thing we do is stand and we say the pledge. The pledge says that this is a free country and everything. . . . We go in our history class and we learn what a free country it is. Then we walk out of the*

*school doors and it is the end of it. You go back to your crummy little house and try to get a crummy little job and all you know is that your accent is different from everybody else's and so you just can't make it.*[35]



# "... a slum neighborhood is what you would call it"

## *A Bare House*

> *[M]ost of the apartments are just rooms. Very few of them have complete baths and hot and cold water, the necessary things, the things that are required healthwise they don't have, very few of them, hot and cold water, heat and this type of thing. You just don't find too many apartments in this area that have this type of thing.*[1]

This was the way Mrs. Charlotte Gordon described the housing in her slum neighborhood in Gary. Housing in other slum areas often lacks the basic qualities which most Americans take for granted.[2] Mrs. Rowena Stewart, a resident of Boston's South End, commented on the condition of housing in that area:

> *[A person] rents a broken-down room for $21 to $24 a week that is rat infested and has cockroaches running all over the place. There are holes in the ceiling where the plaster has fallen down and the people have to share a bathroom. The so-called furnished apartments usually contain a few chairs, a table and an old rusty bed. . . . Frequently, social workers tell families to move out of these homes where the rents are too high, but they never find them decent homes where rents are lower.*[3]

Mrs. Carnella Turner spoke of the conditions in her apartment at the Alhambra Village, a large tenement in Cleveland's Hough area which had been the scene of a rent strike staged by a civil rights group known as the Ohio Freedom Fighters:

> *The apartment was very dirty, an undecorated apartment. The plaster in the bathroom was all cracked up . . . and*

> *the bath tub, the water dropped by drops, just a drop at a time.*[4]

When the Freedom Fighters inspected the building they found many violations of the Cleveland housing code, including open sewage lines and leaking gas lines in the basement. At the request of the Freedom Fighters, housing inspectors confirmed the violations and condemned the building as unfit for human habitation.[5]

The attitude of the owner of the Alhambra—subpenaed before the Commission—was that tenant complaints and notices of violations from the Division of Housing and the Division of Health were "part and parcel of any building whether it is here or Pepper Pike or the Gold Coast."[6] He claimed that he had attempted to correct conditions as tenants complained about them. The Alhambra file in the Cleveland Division of Housing, however, showed that identical recurring violations had been reported each year since 1962.[7]

The tenants in the Alhambra had a landlord whom they could see and to whom they could complain. Many slum landlords, however, are corporate entities in which responsibility is so diffuse that there is no one to whom tenants can readily express their grievances.[8]

Mrs. Hattie Mae Dugan lived with her 13-year-old daughter in a three-room apartment consisting of a bedroom, a vestibule which served as a second bedroom, a small kitchen, a toilet and a bath. There were windows in only one room and none in the bathroom, in violation of the Cleveland Housing Code. The plumbing was bad, the ceiling damaged, the hallways poorly maintained. The front door of the building had no lock. After-hour clubs were operated in vacant apartments in the building. One vacant apartment had been vandalized and left open in a state of disrepair for weeks. Mrs. Dugan was not sure who owned the building because the certificate of occupancy was not posted as required by law.

She described what happened when she tried to complain about lack of adequate facilities in her apartment:

> *I'll tell you when you start complaining about that particular building no one seems to want to own the building. When I first started to complain, I started with one realty company and I complained so long and loud they sent someone else out and then I complained to him and they sent someone else out. . . . Now we complain—it's five of us are complaining now . . . . The only time anybody really wants the building is when it is time to pay the rent and after then nobody wants the building.*[9]

When Negroes began moving into Cleveland's Hough area in 1957, landlords subdivided apartments and reduced services. Mrs. Velma Woods—the second Negro to move into the Clevelander, a 40-unit apartment building—described how maintenance was cut back:

> *When I moved into the Clevelander in 1957, there were two families of custodians. One family would start to work at 7 o'clock in the morning until 3 in the afternoon. One of the husbands worked mornings and the other of the husbands worked in the evenings. . . . [T]hey kept it very clean, . . . it was a fabulous apartment, they really kept it up.*
>
> *Then, no sooner they got the white people out and nothing but the colored in, they moved a custodian in there with about nine children, and they stopped keeping it up. It just went down, down, down until it was . . . dilapidated. . . .*[10]

Morris Thorington, a Negro businessman in the Hough area, explained how buildings in the area deteriorated "day by day," eventually forcing the residents to move elsewhere and leaving the buildings to stand vacant and abandoned:

> *They move to a building that is a little bit better, a building in which the plumbing is a little less bad, a building in which maybe the roof doesn't leak or a building where you do have some type of toilet facilities. So nobody wants this [deteriorated] building and they left because it is even worse than the one to which they moved, God knows that is bad enough, so it stands there. The landlord won't do anything with it and the city won't do anything with it. It just stands there. . . .*[11]

## *Urban Destruction*

The inadequate housing, blight and deterioration described by witnesses in Hough were not alleviated by that city's urban renewal program. In Hough, urban renewal was, in Mr. Thorington's words, "urban destruction."[12] Houses scheduled to be demolished were "still there, abandoned. They are nothing but a meeting ground for hoodlums, prostitutes or what have you."

> *They are just there, just shells, that deter anybody that wants to come in the area from three or four, five blocks away, because they are scared. These vacancies are bad.*

> *They've cast a shadow over the whole street. At night, it is like a ghost town.*[13]

The deterioration described by Mr. Thorington was traceable in part to a decision by local urban renewal officials several years earlier not to enforce the Cleveland Housing Code in Hough and other areas designated for renewal.[14] Testimony revealed that one apparent reason for the decision to suspend code enforcement was the desire to keep property acquisition costs low.[15]

Although an official of the Department of Housing and Urban Development testified that suspension of code enforcement was impermissible under Federal statutes and regulations,[16] from 1962 to 1966, the Federal Government failed to enforce compliance with urban renewal housing code requirements in Cleveland.[17] This failure led, in part, to the conditions described by Mr. Thorington.[18]

Urban renewal in Hough also contributed to the deterioration of surrounding areas. Mr. Thorington reported that:

> *Mount Pleasant and Glenville . . . are getting these people that are being driven out of the Hough area. I say "driven out" because a lot of them don't want to go. They are being compacted into an area that is too small to hold them. They are being crowded into another ghetto. You are just moving your ghetto from Hough to Glenville, to Mount Pleasant, and finally to Lee-Harvard and Shaker Heights and God knows where to from there. But the whole thing is eventually going to erode the whole city.*[19]

By failing to provide adequately for the relocation of residents, Cleveland's urban renewal program increased the racial density of surrounding ghettos and contributed to the very conditions which urban renewal is designed to prevent.[20]

## *Rats*

Dilapidated and overcrowded housing conditions generally are accompanied by serious infestations of rats.[21]

Mrs. Dugan was asked whether rats were a problem in her neighborhood:

> *Yes, they are. I was living in one apartment, the rats got in bed with me and my sister is still living in the same building and the rats are jumping up and down. The kids they play with rats like a child would play with a dog or something. They chase them around the house and things like this.*[22]

Mrs. Ethel Plummer, who also lived in Hough, testified that she had rats in her apartment. Commissioner Hesburgh, who had visited the Hough area, inquired of Mrs. Plummer about a yard near the building in which she lived that looked to him to be a rat runway. She responded:

> *It is. They had a recreation center there last summer, but after that closed down, then the rats took over.*[23]

Mrs. Plummer's son, Sam, aged 14, was asked how many rats there were in the runway:

> SAM PLUMMER: *There is a lot.*
> COMMISSIONER HESBURGH: *What is it—100, 200 or what?*
> SAM PLUMMER: *So many, you can't count them all.*[24]

In 1962, Clyde Fehn, a Sanitary Engineer with the United States Public Health Service, Communicable Disease Center, conducted a study of rat conditions in Cleveland, and found that of 25,000 structures inspected, about 7,000 had rats on the premises, and about 14,000 had inadequate facilities for storing refuse.[25] Mr. Fehn's report concluded that "infestations constitute a large and widespread problem in Cleveland, resulting in numerous rat bites, unnecessary anguish, and much property damage." [26] It was found that between 70 and 80 people each year *report* rat bites to the city health department and it was estimated that "the total economic loss due to rats in Cleveland is at least four million dollars per year." [27]

William Murphy, head of the Food and Drug Administration, Cleveland Health Department, one of the agencies responsible for rodent control, testified that "there are probably a lot more rat bites than" the number reported.[28] In a re-survey of rat problems in Cleveland conducted in February 1966, Mr. Fehn found that "[l]arge and widespread rat populations continue to flourish in Cleveland, particularly in substandard areas," and that "[m]any interior infestations in houses and apartments were noted." [29] He concluded that the rats constitute a very serious menace to health in Cleveland.[30]

Dr. Joanne E. Finley, then Deputy Commissioner of Health in Cleveland, testified about diseases borne by rats:

> *There are a number of rat-borne diseases. Leptospirosis is a common one, there is a very severe form of this called Wild's Disease which has the same organism that causes it but it is a more severe form and death can occur. There are some others pretty debilitating but not necessarily death-dealing. They are called haverhill fever, relapsing fever, ratbite fever, and so forth.*[31]

## *Poor Services*

One important problem faced by residents of slum ghettos is the inadequacy or unavailability of services which most people take for granted. Many of these services are public services.[32]

***Streets and Sanitation Services.*** In Boston, Mrs. Pearl Lee compared trash collection in the Roxbury slum with trash collection in other areas of the city with which she was familiar:

> *It does not take a genius to figure out that these streets haven't been swept in five or six months. When we lived on Beacon Street the street sweeper was there every morning with water and brushes, but you go up to Blue Hill Avenue on Friday night when the store owners put out the trash and it's still there on Tuesday when they come to pick it up. If it requires pick-up five times a week, then it should be picked up five times a week.*
>
> *I now live in the Back Bay [predominantly white] where we have two trash pick-ups a week, on a street that only has at most 15 houses on one side. On Blue Hill Avenue where you have a combination of business and multiple dwellings you have one trash pick-up a week.*[33]

In Newark, Willie Wright, resident of a Negro slum, told the New Jersey Advisory Committee:

> *My street in particular on several occasions this year has been piled with garbage for as long as five days. I was constantly in touch with the City Sanitation Department for the removal of this kind of thing. The Board of Health I also reported the incidents to them.*
>
> *And as usual, they are slow about reacting to absentee landlords and concerning themselves with the conditions in which people in the Negro community must live.*
>
> *These are facts that exist for most of us who live in the Central Ward. All you have to do is travel through the streets on any given day and you will be able to testify to them factually also.*[34]

Mrs. Merle Springer, who lived in Roxbury, reported municipal neglect of streets in her neighborhood:

> *In the section of Roxbury in which I live we have been fighting for street lights for quite some time. But they have*

> *completely ignored us. Our street is dark and though we have been writing letters and we have been getting some answers, nothing has happened. I feel it is because this area is predominantly Negro. If it was any other area they would have gotten action.*[35]

Complaints of inadequate and discriminatory service are not restricted to low income neighborhoods. Mrs. Genevieve Jefferson, white, is a resident of Merced Heights, a predominantly Negro neighborhood of single-family homes in San Francisco which once had been predominantly white. She recalled that local government agencies became less responsive to the neighborhood's needs as Merced Heights changed from white to Negro:

> *Well, back when we were a neighborhood in transition . . . which was, oh, someplace back about 1961 and 1962, we began to notice little things and, as I think about them now, they were petty little things and they really don't have much significance, but the streets didn't seem to be being cleaned as often as they were previously. . . .*
>
> *Another very little thing, but it still made me mad at the time, was, we were having trouble with the dogs and the city has some nice little signs they put up on telephone poles, which say "Curb Your Dog." So we wrote to the Public Works Department asking if we could have some of these as an educational device, and we got the answer that the budget did not permit, but they would keep our request on file, and when there was some money we could conceivably be considered.*
>
> *Well, I first noticed one neighborhood had gotten signs, and we had none, and finally the point where I noticed the second one which had gotten signs, and which was a new area . . . I was furious, but it was this kind of thing.*[36]

***Transportation.*** Metropolitan-transportation systems often do not service slum areas adequately even though slum residents are almost entirely dependent on public transportation.[37] A major concern after the riot in the Watts area of Los Angeles was to improve public transportation from Watts to the commercial areas of the city—a step which had to be taken before unemployment in Watts could be attacked effectively.[38] In the course of the Commission's urban investigations, other examples were encountered.

Walter Robinson described the hardships caused by the poor public transportation facilities serving the predominantly Negro Potrero Hill public housing project:

> *[T]he public housing sector is very much isolated from any kinds of services. There are no medical facilities, no shopping centers, no drug stores. It is an area that is completely isolated and the transportation in this area is very, very bad.*[39]

Mr. Robinson stated that there were only "two doctors on the Hill and they are there by appointment only and the nearest place they can get medical attention is at San Francisco Public General Hospital," several miles away.[40]

Although white residents of Potrero Hill had no better services, the impact was sharpest on the people who lived in public housing because they often did not own automobiles and taxicab drivers were reluctant to come to the area. Robert Jacobs, a Negro, who once lived on Potrero Hill, told the Commission that "on certain occasions I have waited for something like four or five hours just to get a taxi to come four or five blocks with groceries for my family. You cannot get a taxi at night":

> *At one time I had sickness in my family and I tried to get a taxi. I had to pay an additional $35 just to get my child to the hospital, because the taxi said they couldn't find it and they didn't want to come out there.*[41]

***Health Care Facilities.*** Because of poverty most people who live in the slums must rely upon public services to an even greater extent than others. Yet the public services upon which they depend often are not accessible to their homes in the ghetto.

In Cleveland, although the greatest health problems were concentrated in the East Side Negro areas, the only public hospital was located on the West Side. In 1963, seven of every 10 mothers who delivered babies at Metropolitan General Hospital lived on the East Side, more than three and a half miles from the hospital. Mrs. Plummer, mother of seven children, was questioned about what it meant to travel to the opposite side of the city for maternity care. She testified that in order to get prenatal care at Metropolitan, where two of her children were born, it required "an hour and a half to go there and an hour and a half to come back." When she arrived at the hospital she had to wait for treatment.[42]

Inaccessibility of health facilities reduces opportunities for expectant mothers to get needed prenatal care. Dr. Finley testified that according to obstetricians, the "walk-in delivery rate" at Metropolitan Hospital

> *. . . averages from 15 to 20 percent per month. This goes higher than that in some months.*
>
> *This means women who come there to get their babies born have had no prenatal care at all and these are generally Negro women.*[43]

In Cleveland the infant mortality rates in Negro communities were approximately 40 percent higher than in white communities; premature birth rates were 50 percent higher; and deaths in the first months of life were 70 percent higher. Dr. Finley attributed the higher Negro infant mortality rate, in part, to the lack of prenatal care for a substantial number of expectant Negro mothers.[44]

Residents of slums are short-changed in the availability of public health services in other ways. In Cleveland, for example, staffing problems confronting public health units were most acute in Negro areas. In November 1965, of the eight vacancies among public health nurses, seven, with a planned work load of 4,000 cases, were in areas 80 percent Negro or more.[45] Thus, in the very locations where the health problems were most serious, the public health services available were substantially short of the public health services available elsewhere in the city.

## The Police and the Ghetto

Many nonresidents are attracted to slums, as Mr. Thorington put it, "to do their dirt":

> *It is not that Hough is a morally decayed neighborhood. It is rather because Hough is decayed that it is drawing these morally-decayed people into it because people come from all over the city to do their dirt down there at Hough.*[46]

Dominick A. Spina, Director of Police in Newark, N.J., testified that much of the crime problem in the Scudder Public Housing Project was caused by nonresidents of the project:

> *[B]ecause of the fact that there are so many people in these close areas. They become a kind of Mecca, an attraction for loiterers coming into the project who create these problems.*
>
> *Another important problem in these projects is the fact that they are almost entirely ringed by taverns and these*

> *taverns unfortunately, especially when the patrons stream out of them at night time, under an alcoholic fuse, they walk down the street and they walk into these projects and create more problems.*[47]

A Negro minister, Rev. Robert V. Parks, testified in Cleveland:

> *It has got so bad in our area until the word has got out all over the United States that the Hough area, particularly 105th and Euclid Avenue to 79th and Euclid, is where the action is. You can walk up and down the street any time of the day or night and observe Cadillacs, Lincolns and all fine cars from all parts of the country driven by pimps who come into Cleveland to thrive on prostitution because the word has gotten out all over the United States that Cleveland is where the action is.*[48]

Witnesses complained that the police tend to accept vice and crime as normal in slum areas. In Boston, Rev. William B. Dwyer, Vicar of St. Stephens Episcopal Church, said:

> *White hunters from other parts of Boston are constantly coming into the South End to pick up girls and the police are doing nothing about it. Drivers cruise up and down the street, seeking out prostitutes. I don't know whether it is by tacit agreement of the city fathers or what, but anything goes in the South End. The South End Police Protection Committee has filed with the Boston Police over 300 car registrations* [*of such drivers*], *but we have seen no noticeable improvement.*[49]

Christopher Hayes, Chairman of the Boston South End Federation of Citizens Organizations, stated:

> *Police have isolated the South End as an area, giving it only token protection. Prostitution, bookmaking and after-hour places are all over and there is an excess of liquor stores and a shortage of foot patrolmen to keep the street safe. A hotel located near police headquarters, and known throughout the city as a house of prostitution, was closed by police after a Boston newspaper publicized it. But it opened again after about two months and is now back in business.*[50]

Rev. Parks stated that there was no doubt in his mind that the police were aware of organized crime in Hough:

> *Our biggest crime rate is within two blocks of the Fifth*

> *District police station which is at 107th and Chester .... There is no doubt in my mind that the police do know what is going on because I see them cruising up and down the street, calling the girls to the car, the girls leaning on the cars and talking to them and going right back on the street and continuing doing what they have been doing all along .... In my opinion, the breeders of the crime in the Hough area is the white community which is paying for most of the crime committed in our area. You take prostitution—it leads to robbery. Robbery leads to murder.*[51]

Witnesses also complained that police were slower in responding to calls in slum areas than they were in white areas. Police resources are not necessarily committed to particular areas in proportion to the crime rate. Commission attorneys examined 1965 police communications records in Cleveland to determine whether police officers responded to calls for assistance less rapidly in the predominantly Negro Hough district than in predominantly white districts.[52] The study was concerned with the time lapse between receipt of a telephone call by the communications unit and the time a police car was dispatched to the scene. Significant disparities were found. A Commission staff attorney testified:

> *[T]here were 13 major categories of calls involving police service. In two of these categories—forcible rape and homicide—incidents did not occur in all of the districts studied. In 10 of the 11 remaining categories, police response to calls was slower in the fifth district [Hough] than in the first and second districts. In none of the 11 categories was the police response quickest in the fifth district. In one of the categories—robbery—the police took almost four times as long to respond to calls in the fifth district as in the second district where response was the next slowest. In two of the categories—(1) burglary without larceny and housebreaking without larceny, and (2) auto thefts—it took the police more than twice as long to respond as in the district with the next slowest response. In the category of arrest for disorderly conduct, the police took almost twice as long to respond as in the district with the next slowest response.*[53]

Mr. Thorington described the difficulties he experienced because of the lack of adequate police protection:

> *I have even been turned down by merchant salesmen that I*

> *want to do business with . . . because the drivers refuse to service in the area. There's one driver who services my place [who] has been held up about three times. This boy is afraid to come over there. We have so many instances like that . . . . I don't know whose responsibility it is or whose fault it is, but there is not sufficient police protection there.*[54]

In Boston, Rev. Virgil Wood, a resident of the city's Roxbury area, told of the difficulty one Negro family had in getting the police to respond to a call for assistance:

> *One family had called the police because of an incident in the area. They waited 10 minutes, 15 minutes, 20 minutes and there was no response. Then someone was smart enough to think of calling the police, saying "Get out here quick, there is a Negro beating up a white man." The police were there in two minutes.*[55]

Alienation between citizens and the police is characteristic of slum communities, where police often are viewed with hate, fear and suspicion.[56] A common belief in slum areas is that policemen regard their role as one of protecting the white population from the residents of the slum. Rev. Wood stated: "A zoo keeper attitude is maintained [by the police] toward the residents of the community." [57] Rev. Parks testified that the Cleveland Chief of Police, in opposing the abolition of capital punishment, had proclaimed publicly: "We need capital punishment in order to keep the Negro in line." [58]

There also is a strong feeling in slum areas—and among middle-class Negroes as well—that the police do not treat Negroes as human beings entitled to respect and dignity.[59] The complaints range from physical manhandling to verbal mistreatment. In Cleveland, several Negro witnesses gave accounts of rude and discourteous treatment by the police.

James Malone, a Negro, who was Director of the Surgical Research Laboratories at Western Reserve University, testified that when a woman was injured in an automobile accident, he sought to enlist the aid of four policemen who were having coffee and watching television in a nearby hospital cafeteria. The police, he said, considered the request for assistance to be an imposition. He testified that although they reluctantly accompanied him:

> *. . . two of them sort of escorted me outside by taking a hold of my arms. When we got into the corridor, I told them to let go of me and not to touch me unless they were going to arrest me. I said, "I am here to enlist your aid."* [60]

One of the policemen, Mr. Malone testified, shoved him around and called him "boy".[61]

Mrs. Margaret Weathers, a Negro employee of the Cleveland Division of Recreation whose many community activities included membership in a police-citizen community relations committee appointed by the Mayor, testified that in December 1964, while driving home with her four-year-old daughter on a rainy night, a police officer ticketed her for approaching too near a red traffic light. According to Mrs. Weathers, the officer told her: "You appear in court next Friday." Mrs. Weathers testified that when she told him she could not appear in court that day because she had to be out-of-town, the policeman

> *. . . took and kept my driver's license, he took my keys and he said, "You are under arrest, we are going to tow your car in, we are going to take your daughter and turn her over to police officials and you are under arrest."*[62]

She testified further that she was detained for an hour, and that when the police wagon arrived on the scene there were seven policemen, including a sergeant; her daughter was crying, and Mrs. Weathers was very disturbed. Mrs. Weathers said the sergeant released her with the following comment:

> *You better be glad that your daughter is here and she is disturbed and you are riding in on her coattail. That is why we are releasing you.*[63]

Mrs. Weathers and Mr. Malone testified that they believed that the police would not have treated them as they did if they had been white.

The police view matters differently. John Ronayne, a retired Inspector of the New York City Police Department who was retained by the Commission to study the Cleveland Police Department, testified that the police

> *. . . feel that most of the complaints about civil rights violations by the police are not justified. They have indicated that they believe that most of them are politically inspired, that they are used to unite the Negro community for possible use in election campaigns . . . [t]hey feel that they are in the middle on this. . . .*[64]

In Cleveland, however, there was no effective channel for complaining about, and resolving the merits of alleged police mistreatment. The police department never had publicized any procedure for making complaints about police misconduct. Clarence Holmes, a Negro attorney in Cleveland, testified that a major issue in the Negro community was the "inadequate investigation by the police authorities, once a complaint is made against a policeman. . . ."[65]

Not only were the channels of communication to police authorities unclear in Cleveland, but Negroes who did present grievances were discouraged from pursuing them. District commanders had discretion to determine how they would handle complaints.[66] Gerald Rademaker, commanding officer of the police district encompassing Hough, testified at the Cleveland hearing that when somebody "makes a complaint which on its face is facetious, doesn't appear to have any ground at all,"[67] he tells the complainant:

> *Look, investigating complaints takes quite a bit of time and manpower so this is what I am prepared to do—I will have the police officer whom you have indicated has violated your rights submit to a lie detector test. If this police officer is found to be lying, I will go downtown and make sure that he is reprimanded or dismissed from the force. On the other hand, I want you to submit to a lie detector test and if it proves that you are lying, I will personally go down to see the judge and see that you be given six months in jail and fined $1,000 for filing a false claim with the police department.*[68]

The inspector told a Commission staff investigator, and confirmed at the hearing, that "this practice usually resolved the matter."[69]

# "The main problem is money"

> *The main problem is money . . . . That is our main problem, money. . . . But even with my working, the money I get from work and the money I get on AFDC, it is still not sufficient to live decently.*[1]

Mrs. Alyce Friels, a resident of Gary, was identifying what she thought was the principal problem of ghetto residents in that city. The problem of money is a general one in slum areas. A substantial percentage of nonwhite families have an annual income of less than $3,000.[2] In Cleveland's Central West area, one-half of the nonwhite families reported incomes below $3,000.[3] In Boston, about 31 percent of nonwhite families had incomes below this amount.[4]

In November 1966, the Department of Labor surveyed slum areas in eight major cities of the United States in order to obtain a more detailed picture of employment and poverty problems. The Department's report showed that almost half of the families surveyed received income solely from sources such as welfare or AFDC, unemployment compensation, or other nonemployment sources.[5]

The Labor Department's study took into account not only persons who are unemployed and looking for work but also persons not counted in the standard unemployment statistics—people working part-time but seeking full-time work, heads of households under 65 years of age employed full-time but earning less than $60 per week, persons who are not heads of households employed full-time but earning less than $56 per week, and unemployed males of working age not looking for work.[6] In the predominantly Negro Bayside district of Oakland, the study found that the subemployment rate—based on all these categories—was at least 30 percent.[7] Twenty-four percent of Bayside families reported annual incomes of less than $3,000 and 10 percent of Bayside men 35 to 44 years of age had just given up—they were neither working nor looking for work.[8]

Many older Negro men have been displaced by automation because Negroes tend to hold unskilled jobs which are made unnecessary by machines. Dr. Carlton Goodlett, a physician, newspaper publisher and former President of the San Francisco Branch of the NAACP, discussed this problem:

> *. . . [T]he machines are replacing the least technical workers and where you have hundreds of people who formerly operated elevators, and many people who were janitors, machines [are] doing these types of work now, and the Negroes who have acquired jobs in this industry that are being automated are the first to be fired because they lack seniority . . . and a tremendous number of people are in the mid-passage years between 42 and 65. They are too old to compete in an automated society, but yet too young to go on social security, and this is the helpless generation . . . . The hope is very bleak for them.*[9]

Unemployment among teenagers is an even more serious problem in slum areas.[10] In the Bayside district, 41 percent of all teenagers were unemployed;[11] in the Fillmore-Mission (predominantly Negro and Spanish surname) district of San Francisco, the rate was 35.7 percent.[12] An unemployed teenager in a slum ghetto—unlike an unemployed white middle-class youth—is likely to have no family to support him. On the contrary, he is apt to feel responsible for providing support for his family—among them the mother, brothers and sisters of whom James Richards spoke.

Mark Comfort, who worked for more than two years with Negro youth in Oakland, told the Commission that Federal programs were providing jobs for only a small fraction of those who needed employment:

> *. . . this year you will have anywhere from between twenty and twenty-five thousand black youth on the streets of Oakland, not to speak of the Mexican, not to speak of the poor whites that live in the Flatland areas that will be seeking employment, and that out of a million and some eight hundred thousand dollars that the Central Labor Council gets from the Federal Government we can only place 500 people on these jobs among the youth from sixteen to twenty-one.*[13]

Mr. Comfort also thought that jobs made available through the antipoverty program did not pay a decent salary—"$1.25 an hour, $1.30, perhaps $1.35 this year." [14]

Rev. Paul Younger, a minister in the Hough area of Cleveland, testified:

> *. . . most people want jobs at a living wage. Some of our youth have gotten to say, 'I don't want that funky old car wash job where you work for a whole day and come out with 50 cents to a dollar and in some cases not even enough for carfare home.' No, they want a job that will buy their way into the American way of life.*[15]

Orville Luster told the Commission that these young men did not want "dead end" jobs:

> *Our whole attitude and idea about a man's worth is where he works, what he is doing, whether it is a meaningful job, and this type of thing. Naturally, a lot of kids are not only trying to find some way of making a living, but they are trying to gain some dignity, some type of recognition, and being able to be men.*[16]

Mr. Luster was asked how the young people in his group—70 to 80 percent unemployed—subsisted. He said:

> *. . . I think that some of the young people who do get involved in some of the antisocial acts, they do this because of desperation a lot of times, and sometimes it is just for kicks, but I think that because they do not have a lot of money, sometimes they are motivated to go out and commit antisocial acts. And a lot of times it starts off with just the need for the bare necessities.*[17]

## *Living on Welfare*

For children in families with an absent or handicapped father, for women who must support their children, for the aged and the disabled, public assistance often is the principal means of support.[18] In Hough, for example, one-fifth of the nonwhite population was supported by payments under the Aid to Families with Dependent Children Program (known as AFDC or ADC).[19] AFDC is financed jointly by the States and the Federal Government. All States have established monetary standards which they regard as the minimum necessary for a family to live in health and decency. In 42 States welfare payments fail to meet the States' own standards.[20]

In 1966, the Ohio Department of Public Welfare considered a cash payment of $224 a month to be necessary to provide a mother and three children with a minimum standard of health and decency based on 1959 prices. But in 1966 the maximum payment that could be made to a family of four under State law was only $170.[21] This amount included the maximum rent allowance of $90, a sliding allowance fixed according to the rent actually paid. Evidence at the Cleveland hearing, however, established that this was not enough to obtain decent housing.[22]

Mrs. Allie Anderson, who received AFDC payments, was asked why she kept trying to find a better apartment. She testified:

> *I don't see any sense in paying $80 to $90 a month for four to five rooms and they are in such condition where you have to have a lamp in every room. Every time I got ready to wash my face in the face bowl, we had to plunge it down. The commode was overflowing all the time and so was the tub. The tub was in such condition so you couldn't just wash it. You had to wash it two or three times to get it clean.*[23]

Assuming that an AFDC recipient in Cleveland paid a rent no higher than the $90 maximum rent allowance, $80 remained—an amount insufficient to buy food, clothing, soap, school supplies and other items required to support three children and their mother.[24]

The Indiana Public Welfare Department estimated that a mother with three children needed $237 a month. But the maximum payable to such a family under Indiana law was $126.[25]

Mrs. Jacqueline Taylor, appearing at an open meeting of the Indiana Advisory Committee in Gary, was asked to comment on the statement often made that "ADC mothers have it pretty easy." She replied:

> *I have heard people say it lots of times. They think we have it so easy. I would like to see anyone, anyone, to step forward, to change his good job for my position, his nice home, you know, just his nice position.*
>
> *In other words, if he wants my place, let him take it for a couple of months. Just a couple of months that's all. Let them come forward, smell the garbage in the summertime, fight the rats, freeze in the winter time . . . let him take it, let him try to feed five children from 17 to 5 on $167.00 a month.*[26]

Mrs. Taylor spoke of the difficulties she had in getting nourishing food for her children with her welfare check:

> *It's very difficult to get food for this small amount of*

> *money, I say, because most children need fruit to eat, fresh fruit, fresh vegetables*
>
> * * *
>
> *. . . the middle class woman, the one that has the husband going to work every morning . . . she can go to the market and . . . get a fresh, fresh head of lettuce, you know, or some fresh fruit and oranges.*
>
> *. . . when they have to eat the supplement, like I say, these beans and these split peas and these canned meats, you know, and this flour and stuff like that, I mean you can only go so long on those. You have to have vitamins for children to make them very strong bones and good teeth. You can't get it out of beans and peas only and fatback. They have to have good proteins, good nourishment, milk.*[27]

Some States, including Indiana and Ohio, participate in the Federal food stamp program under which welfare recipients can purchase stamps which in turn can be used to buy food of greater value than the cost of the stamps. In 1966, in Cleveland, $76 worth of food stamps could be used to purchase $120 of food.[28] But even the stamps did not provide enough food. For most families, food supplies appeared to last no longer than three weeks after receipt of the benefit check on the 10th of the month.[29]

Mrs. Alice Aarons testified that she was unable to feed her family adequately when her month's food supply, purchased with food stamps, ran out after two or three weeks. She stated that she had to alter her menu and "go back to old basics of potatoes or make biscuits and grits and staples like that that you keep generally." [30] Mrs. Rose Thomas told the Commission in Cleveland that the night before she testified she had fed her family a dinner consisting of rice.[31]

When Mrs. Carole King, another AFDC mother, was asked if she was able to provide an adequate diet for her children after her food stamps ran out, she responded: "No. . . . even milk which is so essential to a child's diet has to go . . . . Sometimes you can't even afford the [milk] substitute." [32]

Food stamps, moreover, cannot be used for non-food items. An AFDC family in Cleveland is authorized a $5 clothing allowance for each child in September, but AFDC mothers testified that this amount is not enough to purchase the clothes their children need.

Mrs. Evaline McCreary said:

> *Mostly I go around asking people if they know anybody*

> *who has clothes to fit my child. This is how I get clothes for my children.*[33]

Mrs. Kershaw stated that she had been forced to keep a child home from school for lack of shoes:

> *I have kept one of my daughters out on account of shoes. She is hard on shoes and she didn't have any, so I couldn't send her out in the snow without shoes.*[34]

Asked if she had enough money to meet her children's school expenses, Mrs. McCreary replied:

> *No, I don't because my boy don't have no gym clothes to go to school to play gym and last week they put my girl out of school because I didn't have a dollar to buy a birth certificate.*
>
> Mr. Glickstein: *What does your son do if he doesn't have gym clothes?*
>
> Mrs. McCreary: *He stands on the sidelines.*
>
> Mr. Glickstein: *The school doesn't provide him with the gym clothes?*
>
> Mrs. McCreary: *No, it doesn't.*[35]

There is no AFDC allowance for school supplies.

Mrs. Kershaw was asked by Commissioner Hesburgh whether she was "really condemned to live on less than . . . [she] need[ed] to live on unless . . . [she] cut corners." Mrs. Kershaw replied:

> *I haven't found a way to cut corners. I found a way to live without.*[36]

At the Cleveland hearing mothers on AFDC were questioned about what happens when food stamps and money run out. The responses varied:

> Mrs. Alice Aarons: *Well, you generally let bills go. Like maybe you don't pay all of your light or all of your gas bills and there have been cases where you don't pay all of your rent either.*[37]

* * *

> Mrs. Carole King: *Well, you usually borrow, but this in some cases causes mothers to have to sneak and do day work or find somebody who is going to help with her children to buy food and different things.*[38]

Mrs. Friels was asked by the Indiana State Advisory Committee if there were ways in which welfare payments could be supplemented. She responded:

> *Well, as I said before, working or, . . . if you have a boyfriend. But no man wants to take the responsibility of a whole family, you see. He might be able to give you some money but no man wants to take on the responsibility of a whole family. So they are very hesitant about it.*
>
> *It's very hard, I'd say, to find somebody to marry because when you already have a family, most men in this area, if they were willing to marry a woman that's on AFDC, they don't make enough money to take care of her themselves, you understand what I mean, without some kind of assistance . . . because many people here make less than $2,000, less than a thousand a year.*[39]

Inadequate as AFDC payments are, for many families in slum ghettos it is the only source of subsistence. The payments, however, in many States are contingent upon the absence of the father from the home. Under this requirement—the so-called "man-in-the-house" rule—the presence of a man in the home disqualifies a family from the AFDC program unless he is the father and is physically or mentally incapacitated.[40] At the Cleveland hearing Mrs. King, a mother on welfare, was asked if the program did not induce the father to leave the home. She replied:

> *Sure, because a man doesn't want to feel that he is going to take bread out of his child's mouth if he is really a man. This means that he leaves. If he is not able to support his family adequately, he usually leaves.*[41]

Mrs. Willa Johnson, Supervisory Caseworker for the Lake County (Indiana) Department of Public Welfare, stated at the State Advisory Committee open meeting in Gary that "many fathers desert their families rather than see them suffer from inability to provide their basic needs." [42] Mrs. McCreary testified in Cleveland:

> *This is how me and my husband got separated when he got out of his job and he went to relief to get help and they refused to help . . . this is one reason we separated and divorced. He couldn't see his kids go hungry so he just left. He couldn't afford four, so he just left.*[43]

In Newark, a former caseworker for the Newark-Essex County Welfare Board stated that "the welfare system in this State forces the father out of the home and keeps the father out of the home . . . ." [44] He said that in the case of a man recently returned from prison who could not find employment:

> *It was my very sad duty to have to tell him that if he remained in the home . . . the family would be taken off [AFDC] and, off the record, I informally suggested to him that it might be better if he left the home in order for his family to be taken care of.*[45]

Rev. Walter Grevatt, Jr., a minister in the Hough area, told the Commission in Cleveland:

> *I find it very difficult when I talk to a man who is out of work who has been trying very hard to get work and who says to me, "I think I am going to leave my family so that they can get on ADC." I find it very difficult to advise him not to because it is life and death that we are talking about. It is hunger and some of our people are hungry for a day before they will come to the church and ask as a last ditch desperate attempt to get some help for food.*[46]

Mrs. Taylor drew the following picture of an AFDC mother struggling to raise children in Gary on her welfare payments "without a husband or a man to help":

> *It's bad enough to try to raise them, just one person, just raising five children when she has to buck all kinds of difficulties to try to make ends almost touch because they won't meet . . . give them inspiration plus trying to keep your morale up and try to look forward to the future, it's very hard. In fact if you try it too long and if you are not a very strong person, you will come out in the dingbat ward, that's all.*[47]

The AFDC program not only fails to "maintain and strengthen family life," [48] but often its administrative rules and procedures thwart efforts by recipients to become financially independent. Many mothers seek to supplement welfare payments by working. AFDC mothers in Cleveland testified, however, that relief checks for AFDC recipients who worked were stopped or reduced.[49] Thus, many women were prevented from supplementing their AFDC payments, even to the extent of earning enough to meet the State's own minimum health and decency standard.[50]

Mrs. Pearl McCallum, a welfare recipient in Boston, said that after enrolling in a Manpower Development and Training Act (MDTA) training program the amount of her welfare check was reduced, whereupon she "lost all benefits," including medical benefits for her children.[51]

Mrs. Charlotte Gordon, receiving welfare payments in Gary, stated that she had attempted to obtain employment but found that "as soon as you go to work, in fact before you have worked your probationary period out, the first thing that the welfare does is cuts your check." [52] This procedure puzzled her:

> *Before I drew the first check they had automatically cut my [welfare] check. Yet they want . . . [welfare recipients] to improve themselves. If they are going to take the money from you before you can help yourself, how are you going to be able to do it?* [53]

The AFDC mothers who testified in Cleveland stated that many welfare recipients "sneak" and do day work in order not to have their AFDC checks reduced.[54] All of the mothers testified that given a choice, they would like to work to supplement their AFDC checks.[55]

Some welfare programs offer training to help recipients become self-sufficient. In Gary and Boston, welfare mothers complained that the courses offered women receiving AFDC payments were essentially designed to develop "polite domestics": [56]

> *They don't give you the courses with any dignity. The courses they give you on the welfare [are for] basic things that these Negro people have done all the time, cooking, housekeeping, washing and things of that sort.*[57]

Mrs. Dorcas Lenoir of Gary took a homemaker aid course given to welfare mothers. She commented:

> *It seems rather unnecessary for a Negro to go to school to get a certificate to clean up someone else's house. . . .*[58]

In order for welfare mothers to work, day care centers for their children are needed. Asked what problems a welfare mother in Cleveland faced in seeking employment, Mrs. King replied:

> *[H]ow are you going to look for a job when you can't afford a baby sitter and you can't leave the children alone?* [59]

Mrs. Thomas described the failure of efforts of the Glenville Community Union in Cleveland to establish a day care center for children of working mothers:

> *We tried to open a day care center over in Glenville and we were met with lots of red tape . . . it had to be a one-story building. There are a lot of things that you really have to go through and unless you have money or someone with money to back you, you can't really do it.*[60]

### *Domestic Work*

Many women who live in slum ghettos work as domestics in the homes of white persons in other neighborhoods.[61] In Cleveland, the Commission heard Mrs. Geraldine Roberts describe their condition.

Mrs. Roberts—herself a domestic worker since the age of eight[62]—had attempted to organize domestics in Cleveland. She testified that Negro women become domestic workers for various reasons, including lack of training for other types of work and discrimination against Negroes who migrate to the city and cannot find other employment even though they may be qualified. In addition, she said: "Some people just don't like to get welfare so they rather take a chance trying to work, even though they know it's not much security."[63] She suggested that since domestic workers are not covered by minimum wage laws, employers pay them as little as possible.

Mrs. Roberts estimated that the average domestic worker's salary in Cleveland was $35–$40 per week, but she added that it was quite normal for women to work for $25. Asked how many hours a week this work involved, she replied:

> *Sometimes you just stay until you are told to go home . . . . Usually, they ask for five days or five and a half days.*[64]

She said that at the end of the month, when her rent is paid, she "sometimes [has] no more than a couple of dollars left."[65]

The low pay is accompanied by lack of even the most elementary security. Many domestic workers don't pay Social Security "because the pay is so low." They receive no sick or vacation pay, and have difficulty obtaining credit.[66]

Domestic workers meet large obstacles in trying to improve their condition. Efforts to organize meet employer resistance; Mrs. Roberts testified that she was fired when she attempted to unionize other workers and many fear the same fate. Individual efforts such as attending night school after work also are difficult to sustain:

> *Often, we attempt night school but then if the employer asks a domestic worker to stay late even though it might be a class night, they have no choice but to stay. . . .*[67]

### *Exploitation*

Residents of slum ghettos often are exploited as a result of their race and poverty. For example, because racial discrimination limits the supply of housing available to Negroes, landlords can and do charge them artificially high prices for inferior housing. Mrs. Velma Woods, the second Negro to move into the Clevelander, an apartment building in Hough, testified that when she moved in she paid $104 a month for three and a half rooms. This was more rent, she stated, than white tenants were paying for apartments of the same size:

> *Well, the white neighbors had been living there 25 or 30 years, and they didn't want to move and they said they never paid over $60 a month for no apartment in there. The largest apartment was renting for $60 a month. He said, "You colored people should get together and do something about it." At that time Cleveland was overcrowded and there was nowhere for colored people to live. A lot of people wanted a decent place to live.*[68]

Because they lack ready cash, slum residents often are forced to seek credit at exorbitant rates in order to purchase necessary items. Several witnesses confirmed the statement of a Negro pastor in Newark that people in the ghetto

> *. . . are exploited by the merchants . . . . They cannot pay right out because they do not have the monies in circulation. So, therefore, they have to pay on time. And because of this, they pay double for items.*[69]

Similarly, Mrs. Friels told the Indiana State Advisory Committee that because welfare mothers in Gary cannot get credit from large chain stores to purchase such necessary items as a gas heater, they generally have to patronize small furniture stores which "charge you twice the thing they cost." [70] And Mrs. Lenoir said:

> *Just last night I went to price a used refrigerator at the stores right in this area that will let welfare people have credit. And there was one particular store that had a refrigerator, $160 credit, $129 cash. $18 . . . down payment, $12 a month for 18 months plus $35 carrying charge, if you would get it on credit* [*you would pay*] *double the amount that it's really supposed to cost.*[71]

Exploitation assumes other forms. Welfare mothers in Cleveland and Gary said that merchants raised prices when welfare checks were issued. Mrs. Ella Kershaw in Cleveland stated that prices usually drop near the end of the month when the welfare money has been spent.[72] Mrs. King told the Commission that stores usually run sales at the time of the month when the welfare money has been exhausted and suspend the sales on the day the welfare checks come due.[73]

### *Business and Property*

Economic conditions in the slums make it difficult to own or maintain property. Mrs. Genevieve Jefferson testified that after her neighborhood in San Francisco had shifted from white to predominantly Negro, her neighbor

> *. . . came over quite upset one day. Her insurance had been cancelled. . . . [T]he man who had handled her insurance . . . was very apologetic and in order to explain the reason . . . for this he enclosed a little note from the—I don't know whether it was a broker or an insurance company or who—with whom he had placed the insurance, and the gist of it was that "[w]e don't want to insure in that neighborhood any longer. Frankly, we don't want their business." That was the line I still remember. . . .* [74]

Similarly, many insurance companies will not insure businesses in slum areas.[75] Lack of insurance depresses property maintenance and business investments.

The owner of the Alhambra apartment house in Cleveland testified that obtaining insurance was one of his major problems in operating the building.[76] Testifying before the 1966 riot in Cleveland's Hough area, Mr. Thorington described his problems in attempting to insure his grocery store in Hough:

> *My first year in business, I obtained insurance at a reasonable rate. At the end of the year, I was notified without any reason whatsoever that they were canceling it, they just said they weren't carrying insurance in that area any more. No prior notice . . . . I shopped around and I found out it is no longer a case of shopping around for insurance companies, it is a case of an insurance company who will accept you. Burglary insurance, window insurance, this type of thing is practically impossible to get unless you have been there for a long period of time and you had it and kept it. But obtaining it now is practically impossible.*[77]

Obtaining insurance is not the only problem of the small businessman in a slum area. Mr. Thorington described the credit problems of a small businessman in Hough:

> *[T]he primary problem is always financing. Every business, particularly a small business, a Negro business in a*

> *deteriorated area, runs into financial problems at one time or another and it is necessary to obtain a quick small loan.*[78]

Loans through Federal programs take too long to be processed, according to Mr. Thorington:

> *I think the need is for a type of agency where a merchant, a businessman, can go the same as he would go to a bank or loan company and get a loan within a week or ten days because if a business is hurting enough that he needs a loan and it takes three or four or five months to get that loan, by the time the loan comes through, he is either dead or it doesn't matter any more.*[79]

Because Mr. Thorington's store is located in a slum, he has difficulty obtaining credit although he, in turn, must extend credit to his customers. He testified:

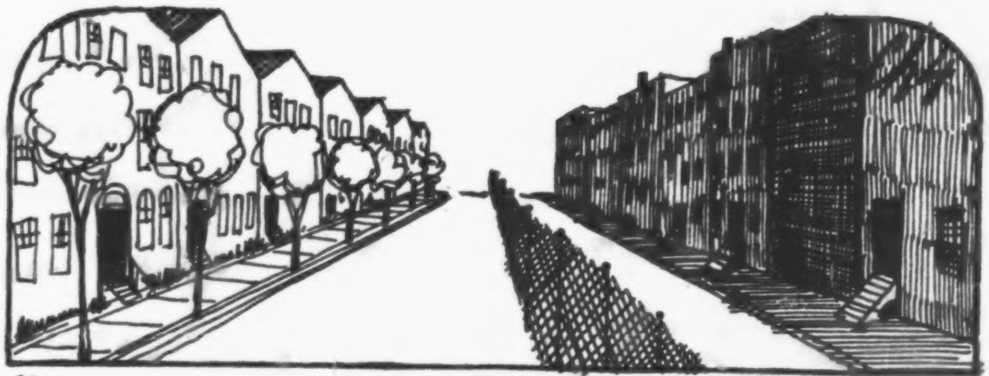
> *Credit for any merchant in an area of this kind is essential. It is not only essential, it is almost the backbone of it. Because most of the people in the area are living on ADC checks, welfare checks, old age checks, construction work, seasonal work. Their income comes in at certain fixed periods.*[80]

Mr. Thorington testified that three out of five customers do pay their bills but with the other two, "you are stuck":

> *It is a hard thing with credit because here is a person who has been doing business with you right along. They always come up, they always pay you and one day they come up and say: "I am a dollar short. I need some food. Can you let me have it?" You got to go along with them.*
>
> *They come in the next day and say: "That check I was looking for didn't come. Could you give me another dollar?" Finally you wind up, you've got a bill for about $10 and they pay it.*
>
> *The next month they will come in and the same story, they will run up to $15. They pay it. So you say, this guy's pretty good, he'll pay me. So you open the door and say: "Okay. Well, when you need something, come on in." He runs up a bill of $30. The day his check comes in, the day he usually pays you, you look for him. You don't see him. Finally his friends come in. "Hey, you know Bob moved—he's gone." There you are, you're stuck. No recourse. That is your problem with credit there.*[81]

In San Francisco, Dr. Goodlett, owner of a Negro newspaper, was asked what factors impede the growth of Negro businesses:

> *Well, Negro business in the main, as other forms of business, require capital and experience . . . and most Negro businesses are first generation businesses and, moreover, in a very competitive city, such as San Francisco, traditional businesses in which Negroes engage, such as cafes, barber shops, etcetera are monopolized by other groups, and a Negro cafe in the main caters only to Negroes. If you cater to a poor clientele, you in the main will conduct a very poor and insecure business.*[82]



# "you just can't make it"

> *. . . they want in on the American dream that they see on their broken down TV screens in living rooms with a sofa that is half broken down.*[1]

Past generations of Americans have escaped from the economic insecurity and meanness of ghetto life by bettering their economic circumstances, obtaining for themselves or their children a good education, and moving outside the ghetto. For many reasons, these avenues are closed to most Negroes.

## *The Role of the Ghetto School*

One of the most significant barriers impeding progress in opportunity for Negroes is the ghetto school, which has provided inadequate education for Negroes and has failed to equip Negroes with the skills needed for competition in the job market.[2]

Negroes are less likely to finish public school than whites and they are much more likely to attend schools with high dropout rates. In Cleveland, John Stafford, principal of the almost all-Negro Glenville High School, testified that almost 30 percent of his students dropped out of school between 10th grade and graduation.[3]

As early as the third grade, the average Negro student in the United States is one year behind the average white student in verbal achievement. And by the 12th grade, the average Negro student is nearly three years behind the average white student.[4]

John Solar, Executive Director of the Harlem Neighborhood Association and a resident of Harlem, told the New York State Advisory Committee:

> *[N]ow it really isn't . . . necessary to say to a person, I am sorry, you can't have the job because you are Negro. What happens more frequently now is that they say, you*

> *can't have the job because you are not properly educated, you are not motivated, you are not prepared.*
>
> *This is quite damning, because you see how this prejudice has operated for so long that now it's no longer necessary to say, I don't want you because you are black. I don't want you because you are just not prepared, and it has been an educational system that has worked to create this condition.*[5]

Parents and teachers who testified at Commission hearings and participated in Advisory Committee meetings expressed concern over the quality of education in slum ghetto schools. In Boston, Negro parents commented on the overcrowded and poor physical condition of many of the schools, and their lack of facilities. Mrs. Betty Johnson told the Massachusetts Advisory Committee: "In the old [Roxbury] schools children were crowded by as many as 45 in a classroom, with classrooms in the basement and in the auditorium. The teachers said it was very difficult to teach 45 children."[6]

Donald E. Snead, chairman of a parents group, agreed with this observation:

> *I first noticed that the schools in Roxbury weren't adequate when I visited the school which my nine year old son was attending. There were 40 to 47 children in a classroom and I wondered how any one teacher could effectively teach such a large group.*[7]

In Cleveland, Mrs. Percy Cunningham, a science teacher at a predominantly Negro school in the Hough ghetto, compared the school to the segregated Southern schools in which she had taught. The facilities in Cleveland were worse, she said:

> *[In Georgia] there were adequate supplies . . . for the children to work with. . . . [W]here I now work I teach . . . general science and I haven't yet used a microscope. . . . [L]ook at 2100 children in a building with one or two microscopes available.*[8]

Mrs. Hattie Collins, who lives in Hough, was asked if she believed her children were receiving a better education than she had received in Alabama. She felt that "they are getting better speech but not a better education."[9] She commented that although she had gone to school more than 30 years ago she used the same textbooks as her children were currently using in the all-Negro elementary school they attended:

> *. . . I have gone to school 30 years ago in the first grade and I had "Alice and Jerry." Maybe this is a new edition, but it still says "Alice and Jerry". This is the textbook I had when I was going to school, "Alice and Jerry".*[10]

In addition, Mrs. Collins testified that the life illustrated in "Alice and Jerry" was irrelevant to her children:

> *The life that is shown in "Alice and Jerry" this is for the suburb children, the beach, the playgrounds, circus, horses. We don't have anything in this book concerning inner city children. If they didn't see the police with a horse they wouldn't know what it was and the teachers are all white and everything. So they don't know anything about the suburbs. They are reading something opposite from their education.*[11]

At the open meeting of the Commission's California State Advisory Committee in Los Angeles, Rosalinda Mendez, a Mexican American high school senior, said:

> *We are taught about our great American heritage, about democracy, freedom, equal opportunity for all, and yet in the very history and geography books, all we ever see are pictures of Anglo kids, a blond world that we cannot identify with or associate with.*
>
> *We look for others like ourselves in these history books, for something to be proud of for being a Mexican, and all we see in books, magazines, films and TV shows are stereotypes of a dark, dirty, smelly man with a tequilla bottle in one hand, a dripping taco in the other, a serape wrapped around him, and a big sombrero on his head.*[12]

John Callahan, assistant principal of a school in Roxbury, testified that 70 percent of the teachers in his particular district—composed of four predominantly Negro elementary schools—were "nontenure," that is, they had less than three years experience in the Boston school system. He also testified that there was a very high rate of teacher turnover in his district:

> *In my 16 years there I have seen many teachers transfer out of the Dearborn School to less difficult districts. I have never seen another teacher transfer from another district into the Dearborn School.*

> *In my 16 years I have seen four principals transfer out of the Dearborn School to less difficult schools. I am now working under my sixth principal.*
>
> *. . . When these teachers who do transfer from the Dearborn School, these teachers of some experience, to less difficult schools, they are usually replaced by beginning or recently appointed teachers. I think this had led to problems, many problems, in the school.*[13]

Parents who testified described how they were made aware of the difference in the quality of education offered at predominantly white and predominantly Negro schools when their children transferred. In Rochester, Rev. Arthur L. Whitaker, a minister and an assistant professor at the University of Rochester, compared the education his two sons received in predominantly Negro schools with the education they received in predominantly white schools:

> *They were the first two Negro pupils to enter No. 16 School, and while there was no social problem at all involved, it was quite clear that our oldest boy was deficient in the area of English at the point of not understanding the break-down of words in terms of syllables. At his particular fifth grade level he had not had this whereas the children at the fifth grade level in No. 16 School had had this, so this was a real difficulty for him, and we had to work especially hard with him along this line.*[14]

In Boston, Charles Jiggetts stated that although his daughter's grades had been all A's in predominantly Negro schools, when she entered Girls Latin School (predominantly white) she had difficulty:

> *Now if a child is an A student in one school she should be an A student when she goes to another school, but when she got her first report card from Girls Latin School it was evident that she was sadly lacking. So what do all those A's mean? If she had received A's for six years why can't she get A's or even B's now? Nobody should think that an A student in a Roxbury or Dorchester school means anything.*[15]

Witnesses testified that the standards set both by students and faculty in slum ghetto schools have a negative effect on student motivation and achievement. David Jaquith, President of the Syracuse Board of Education, explained at the Commission's Rochester hearing why a group of Negro students from disadvantaged backgrounds did better when they were transferred to a school whose student body was composed mainly of advantaged white students:

> *. . . [a]t Madison Junior High School [predominantly Negro] if you cooperated with the teacher and did your homework, you were a "kook."*
>
> *At Levy Junior High School [predominantly white] if you don't cooperate with the teacher and don't do your homework, you are a "kook."*[16]

Norman Gross, who taught at the predominantly Negro Madison High School in Rochester described the difference in student aspiration between Madison and Brighton, a suburban high school. After an exchange program in which Madison students visited Brighton:

> *[O]ne of the Madison youngsters said: "At Madison we asked a question, are you going to college? At Brighton the question is always what college are you going to?"*[17]

Dr. Charles Pinderhughes, a psychiatrist, explained in Boston that children learn from each other by means of a "hidden curriculum":

> *[W]hat the pupils are learning from one another is probably just as important as what they are learning from the teachers. This is what I refer to as the hidden curriculum. It involves such things as how to think about themselves, how to think about other people, and how to get along with them. It involves such things as values, . . . codes, and . . . styles of behavior. . . .*[18]

John Stafford testified that:

> *[T]he peer influence in a segregated community is very strong, and there are times for example where you must commit yourself with the peers even though really you would not do this if you were in a more rational situation.*[19]

Recently, the Commission conducted a special study of the effects of the confinement of Negro pupils to schools attended largely by members of their own race. The study confirmed the testimony of the witnesses that students who attend school with less advantaged students do not do as well as students of similar background who attend school with more advantaged students.[20]

Many witnesses also testified that predominantly Negro schools were stigmatized by the community, and that this stigma affected the attitudes of students and teachers and impaired student achievement.

Dr. Pinderhughes testified at the Commission's Boston hearing that "the Negro school . . . carries with it a stigma that influences the attitudes both on the part of outsiders and on the part of parents, students and teachers associated with the school." [21] Dr. James Allen, Commissioner of Education for the State of New York, stated at the Rochester hearing that "the all Negro schools . . . are looked upon by the community as being poor schools. . . . No matter what you do to try to make them better, in the minds of most white people . . . these are poor schools." [22]

Charles Bohi, who taught at Glenville High School, told the Commission about the school's poor reputation in the community. He testified that when he moved to Cleveland people would inquire about his occupation:

> *[J]ust to make conversation I would tell a clerk at one of the department stores I teach at Glenville and they would say, "Oh, oh, you are headed for trouble." I would tell my friends that I teach at Glenville and they would say, "Boy, you have really got yourself in for it this time," and I would feel that this attitude is communicated to the students by incidents that are reported in the press and so on, where they themselves have come to accept the fact that Glenville is, indeed, an inferior high school.*[23]

The students are aware of the reputation of Negro ghetto schools in the larger community. Carrie McCall, graduate of an all-Negro high school in Cleveland, was asked about her school's reputation:

> *Well, I believe it has an image that all we can do is be pretty good in sports, that is basketball and track, but they feel that is about all, we have a bunch of thieves, a bunch of cutthroats there that aren't willing to learn anything. . . . [A]t one time we had this bus incident and they stole a bus and the next day on the front of the paper they had "East Tech Steals School Bus," which I thought was rather ridiculous, a school as large as East Tech walking off with a bus . . . but they played this up for several days in the paper until they found out that it was a dropout from another school and our school did not get a public apology for this damage to our school's name.*[24]

Norman Gross described a similar incident in Rochester:

> *[W]e had an undefeated football team, a team that was undefeated for some two years in a row, and yet the item by a well meaning sports reporter came out, "Black Board Jungle Breeds Champs." Our kids are really hurt by their low self esteem as a result of the stigma here at Madison.*[25]

Mr. Bohi testified that the students at Glenville not only thought their school inferior but had "come to accept the fact that because they are in this inferior high school they are inferior. . . ."[26] Asked about the value of a student exchange between Glenville and an all-white suburban high school, Mr. Bohi replied:

> *. . . I think the reaction is somewhat illuminating as one of my students in one of my classes said last year, "Well it was nice of them to come down to the zoo to see us."*[27]

When Miss McCall was asked how the reputation of her high school affected the attitudes of the students, she replied:

> *Well, I think they say one thing you have against you, you are a Negro and the second thing when you go to apply for a job, the second thing is that you went to East Tech. The students feel what is the use for me to try to accomplish something. When I get out, I am not going to be able to get a job anyway.*[28]

She also was asked if the school's reputation had an effect on the teachers:

> *Well, they have come to the school with the attitude these are a bunch of Negroes that don't want to learn so why should I want to put my best foot forward to try to teach them anything that would better them in life.*[29]

Dr. Pinderhughes traced the stigma involved in attending a predominantly Negro school to slavery. The Commission's General Counsel asked Dr. Pinderhughes: "[I]t is generally believed that most ethnic and religious groups have not been disadvantaged by being segregated in schools. Is it different for Negroes?"[30] Dr. Pinderhughes replied that there was "a vast difference". The system of slavery in this country, he testified, assigned certain functions to Negroes which were designed to keep them powerless, exploited and in an inferior position to whites.

According to Dr. Pinderhughes, since Negroes have been much more limited in their mobility than other groups because of racial discrimination, "there has been little opportunity for diffusion of the basic elements in their old roles. The lack of diffusion in these roles has maintained certain characteristics that might be thought of as remnants of a slave culture caste, which still prevail."[31]

In the view of Dr. Pinderhughes, the racially isolated school, instead of acting as an agent through which Negroes can move freely in American society, is partly responsible for transmitting this slave psychology:

> *[T]he school is one of the major participants in the transfer of culture to young people. Where we have primarily a single ethnic group in a school, the school serves as a vehicle for conveying the characteristics of that group. So a school in an Irish community will perpetuate and help to produce Irish youngsters; and in a Jewish community, Jewish youngsters; and in a Negro community, the same unfavorable stamp which I have described, will be pressed, or the school will participate, at least, in the transmission of it.*[32]

Students and parents told the Commission that the attitudes generated in slum ghetto schools were reflected in the counseling practices of teachers and guidance counselors. Mrs. Gladys Guson, a parent in the South End area of Boston, stated that "the attitude of the teachers in the South End schools is demoralizing to the Negro students. The youngsters are discouraged from applying for scholarships."[33] Mrs. Pearl Lee in Boston said that her son who aspired to be an engineer was told by the guidance counselor: "You shouldn't go into engineering because it is hard for your people to get jobs. . . ." According to Mrs. Lee: "Many guidance counselors tell the youngsters, 'Why study? Take up a trade.' "[34]

Rev. Arthur Whitaker, testifying in Rochester, told the Commission that in ghetto schools in that city

> *. . . some young women . . . received negative counseling at the point of having it suggested that they go into practical nursing rather than becoming a registered nurse.*[35]

In its study, *Racial Isolation in the Public Schools,* the Commission concluded that Negro students in ghetto schools are damaged by the effect which racial isolation itself has upon their achievement, attitudes and aspirations. The source of the harm which racial isolation inflicts upon Negro children, the Commission determined, lies in the attitudes which such isolation generates; Negro children believe their schools are stigmatized and regarded as inferior by the community, a belief often shared by their parents and teachers.[36] The damage to students attending racially isolated schools, the Commission found, is reflected in fewer job opportunities and lower paying jobs.[37]

## *Economic Opportunity*

As previously noted, most unskilled jobs no longer provide a route up the economic ladder. Opportunity for advancement therefore depends on possessing the training needed for, and having access to, skilled jobs. When Negro students finish school or drop out, they face problems of entering, often with limited skills, a job market where discrimination still persists and where jobs increasingly are becoming inaccessible to slum residents.

***Job Training Programs.*** The Federal Government has attempted to meet the problem of limited skills by a variety of training programs. Its principal effort has been through programs funded under the Manpower Development and Training Act (MDTA).[38] The purpose of MDTA is to promote the development of job training programs for persons who cannot reasonably be expected to obtain full-time employment without such training. The program seeks to equip trainees with new and improved skills in shortage occupations.[39]

In Cleveland, the Commission heard complaints that MDTA trainees were being taught skills in which there were no shortages; that the length of training was unrealistically short, and that the equipment was inadequate.

Willie Whitsitt, a young Negro who had dropped out of high school to help support his family, testified that he had held various jobs in restaurants, earning as little as $1.25 an hour, when he decided to enroll in an MDTA stockroom training course. Mr. Whitsitt testified that he completed the course and earned a certificate, but that shortly before the end of the course while he was receiving on-the-job training, his supervisor, who needed someone to run a stockroom, indicated that Mr. Whitsitt had not had enough training or experience to be hired.[40]

Mr. Whitsitt also testified that although the instructor had stated there was a good possibility that everyone who finished the course would be placed in a stockroom job, the State Employment Service was unable to refer him to any stockroom clerk jobs. He testified that since completing the course he had held "a couple of jobs as cook in a restaurant"—the same kind of job he had had before he took the course.[41]

Similarly, Mrs. Clara Harris, who had participated in MDTA training, told the New York State Advisory Committee:

> *When you go to the State Employment Agency, no jobs. You are not qualified to get jobs, they tell you.*
>
> * * *
>
> *You go to the State, they don't have jobs for you. So we are being trained for the unemployed. We are unemployed before we come into the Manpower Training School and believe me, we are ready for the unemployment line when we come out.*[42]

John Frieson, who completed an electric motor repair course funded by MDTA, was asked at the Cleveland hearing why only 16 people out of 25 who started the course actually completed it:

> *Well, some of them lost heart because the school didn't have equipment. There was lack of wire and different things and then some of them quit on their own, you know, but most of them quit because they lost heart. They didn't have the right equipment for them.*[43]

Mr. Frieson also thought that the course suffered from an unrealistic timetable:

> *. . . I didn't know anything about a motor until I started with that class. The teacher had to start us from the bottom and work our way up. . . . With the time being so short and with the lack of equipment, we failed.*[44]

Mr. Frieson testified that the necessary equipment never came and the students had to depend on the few motors brought in by the instructor.

Similarly, Mrs. Pearl McCallum, a welfare recipient in Boston, described the MDTA clerk-steno training program in which she had been enrolled:

> *Twenty students started this course but there were only 11 typewriters available. We were told that funds were not allocated.*[45]

Responsibility for implementation of the MDTA program in Cleveland is so diffuse that it is difficult to determine whose job it is to see that courses are properly equipped and of sufficient duration to be valuable.

Emden Schulz, Area Manager of the Ohio State Employment Service, testified in Cleveland that his office initiates training proposals on the basis of which the public school system formulates its curriculum and budget.[46] Commission members inquired of Fred Taylor, MDTA Coordinator at the Cleveland Area level, how a person who was participating in a course would file a complaint alleging deficiencies in the course. Mr. Taylor suggested that a complaint could be addressed to the school or to the Ohio State Employment Service.[47]

Mr. Schulz stated that if a complaint were directed to the Ohio State Employment Service, he would

> *. . . sit down with the school officials and go over the complaints that we have received. But, in effect, we are powerless to tell the school people what they should or could do to improve, other than to make suggestions of what we think should be done.*[48]

Mr. Schulz felt that his office lacked power to stop payments to the school system and that although his office might have a "moral responsibility" the law did not permit it to serve as a "watchdog." Asked if he considered it part of his responsibility to find out if a course was being conducted adequately, Mr. Taylor replied:

> *It is not a matter of what I regard it to be. The law is not set up providing or stipulating that we should have such responsibility.*[49]

Mrs. Clara Harris told the Commission's New York State Advisory Committee about her experience with MDTA in New York City:

> *The trainees in the schools are not getting the training in these schools and I get sick when you see these people sit up here from the Board of Education. You go to your principal in the school and you say, "Why am I not getting math?" "Don't ask me, it's the State." The State, "Don't ask me, it's the Board of Education." This is what the trainees get.*[50]

Persons working with unemployed Negroes criticized MDTA for other reasons. One criticism was that the program was not reaching the hard-core unemployed. Martin Gopen, a counselor with the Youth Opportunities Center, told the Massachusetts State Advisory Committee that MDTA

> *. . . does not serve the population it was intended to serve since entrance requirements frequently eliminate hard-core unemployed. Training for such jobs as medical lab assistant and lens grinder now require a high school diploma.*[51]

Charles Jiggetts, Industrial Training Advisor with the Boston Office of the Bureau of Apprenticeship and Training—an agency of the United States Department of Labor—agreed and cited other limitations of the program:

> *We are spending millions of dollars for all kinds of training programs but the people who should be benefiting from them are not in the programs. There are hidden barriers such as age limitations, wage limitations, academic requirements, etc., so that the people who really need this kind of training and may even have the potential, can't get in because they can't meet these requirements.*[52]

Another criticism made by witnesses was that even the people who are able to participate in MDTA training do not have meaningful jobs when they complete training.

James Solar, Executive Director of the Harlem Neighborhood Association, told the Commission's New York State Advisory Committee that people going through the training programs were getting into "menial jobs, secondary jobs. . . ." [53] Rev. Paul Younger in Cleveland spoke of the disillusionment of the Negro community with job training programs because they do not lead to better jobs. Negroes in the community, he said, "have gotten so they don't believe you when you say training is the way to employment." [54]

***Exclusionary Union Practices.*** A route which in the past has led to well-paid employment for young men with limited formal education is apprenticeship in the building and construction trades. Even though job openings in skilled construction trades constitute only a fraction of the jobs needed to eliminate current mass unemployment in Negro communities, they nevertheless represent substantial employment opportunities.[55] Although many Negroes are employed as laborers on construction jobs, the better paying jobs in categories such as plumbers, electricians and operating engineers have not been open to them.[56] A Negro youth such as the one in Boston who was told by his high school guidance counselor to "take up a trade," [57] may attempt to follow this advice only to find the traditional route—apprenticeship training—blocked.

In 1966, the population of Cleveland was roughly 34 percent Negro.[58] Plumbers Union Local 55 in Cleveland had four Negro members out of a total of 1,428 licensed journeymen.[59] The first Negro members were admitted in 1964 after picketing of a federally assisted construction project by civil rights groups.[60] There were no Negroes among the 1,786 journeymen ironworkers;[61] and only one of the ironworkers' apprentices was Negro.[62] There was a single Negro among the 1,519 journeymen pipefitters;[63] all of the pipefitters' 80 apprentices were white.[64]

In Oakland, where the population is about 36 percent nonwhite, and in San Francisco, where it is about 25 percent,[65] it was not possible to obtain exact information on the number of minority workers in each craft union.[66] Negro membership in Local 3, Operating Engineers, whose jurisdiction includes the Bay Area, has been estimated at 30 Negro members out of 9,000.[67] Of the 3,000 members in the Plumbers Union Local 38, which also operates in the Bay Area, 20 were Negroes.[68]

David F. Major, a Negro painting contractor, drew a similar picture of the situation in Boston:

> *In 1960, there were 1,297 apprentices in the building trades in Massachusetts and only 15 were Negro. In 1965 there were 2,680 apprentices and still only 15 were Negroes. I know of many Negroes who have tried to join unions but have been refused....*
>
> *Because the construction labor force is smaller than needed here, they have to fill vacancies with men imported from other States. In all this the Negro is left out. The local unions are almost all-white and the imported labor is all-white. So the Negro is either left unemployed or underemployed....*[69]

Although union leaders denied that their unions discriminated in their admission policies, union witnesses in Cleveland and San Francisco openly admitted the practice of nepotism, under which friends and relatives of union members, almost all of whom were white, were favored in selecting applicants for union membership and union apprenticeship programs.[70] Martin Kilbane, Chairman of the Joint Apprenticeship Committee of the Plumbers Local of Cleveland, testified that "[t]here is a tendency for us to take care of our own...."[71] Joseph Mazzola, Business Manager of the Plumbers Union Local 38 in San Francisco, explained why 50 percent of the journeymen in his union were sons of union men:

> *It is just that the 50 percent had a better privilege . . . every father wants his son to be pretty much what he was. Professional people have no problem, a doctor or an attorney or anybody else. . . .*[72]

2

Even apart from the effects of nepotism, Negroes are discouraged from seeking admission to unions which have a prior history of discrimination. William Ware, a Negro plumbing contractor in Cleveland, testified that because of discrimination by the Plumbers Union he had to fight for 30 years to get his employees into the local.[73] Mr. Ware testified that "the entire non-Caucasian community knows what has happened to Bill Ware and his efforts . . . [t]he Negro community, the Negro youth, knows what rebuffs we have experienced and they are somewhat discouraged." [74]

The testimony of Mr. Ware suggests a need for affirmative efforts by unions to dispel the discouraging effects of prior union discrimination--such as making available to minority groups information about apprenticeship programs.[75] George Fink, Secretary-Treasurer of Plumbers Union Local 55 in Cleveland, was asked whether his union was taking any affirmative steps to increase the number of minority group members in his local. Mr. Fink replied:

> *The door is open to everybody that can qualify. We have been in this town for 75 years, and if they think they can qualify, that is their privilege to apply.*[76]

The Federal Government is attempting to provide entry for Negroes into the skilled construction trades by requiring equal employment opportunity on Federal construction contracts.[77] Under the terms of a Presidential Executive order federal contractors may not discriminate in hiring or employment practices on the basis of race and are required to take "affirmative action" to insure equal opportunity in employment.[78] Failure to comply can result in termination of the contract and ineligibility for future contracts.[79] The Executive order establishing these requirements is administered by each contracting agency under rules and regulations issued by the Department of Labor, whose Office of Federal Contract Compliance enforces the order.

Most construction contractors obtain their employees through unions with whom they have collective bargaining agreements providing for a union hiring hall under which workers are referred exclusively by the union.[80] Theoretically the union is required to refer non-union as well as union workers.[81] But if a union discriminates against non-union members in referring workers and has few or no minority members, it will refer few or no minority workers.[82]

Even if the union abides by its obligation to refer non-union workers, a similar result may obtain if the union discriminates in referral against minority non-union workers.[83] Additionally, because the traditional avenue for acquiring the necessary skills—the union—has been closed to them, few non-union minority workers have such skills. Contractors fear that if they hire or train minority workers outside the hiring hall the unions will enforce their collective bargaining agreements, through a strike or otherwise.

For example, the Bay Area Rapid Transit District (BART)—a public agency of the State of California established to build a modern rapid transit system throughout the San Francisco-Oakland Bay Area—anticipates grants of up to $80 million in Federal funds. BART will employ approximately 8,000 people at peak construction times—an estimated 2,000 operating engineers, 750 ironworkers and 350 plumbers. Although BART is subject to an "affirmative action" program promulgated on Dec. 22, 1966, by the Office of Federal Contract Compliance,[84] as of May, 1967, there were no Negroes among the 106 electricians, ironworkers and plumbers engaged on BART construction.[85]

B. R. Stokes, BART's General Manager, was asked what BART could do to increase minority representation in job categories where the unions had few or no Negro members. Mr. Stokes replied:

> *We can implore, we can plead, we can call to the attention, we can do all of these things. We can make these things stipulations in our contracts. Beyond this there is not much we can do, sir.*
>
> *The one thing under existing laws . . . that we can not get into are the collective bargaining agreements that exist between the contractors and the affected unions.*[86]

Mr. Stokes indicated that although BART is committed to equal opportunity, its commitment would yield to the risk of delay that could follow from a labor dispute:

> *Our prime responsibility to the public which has voted this bond authority is to deliver the system as near like we promised it and as nearly on time as we possibly can. There was not in that bond issue . . . a social cost factor.*[87]

The Commission also heard testimony from Morton Harris, Administrative Officer for S. S. Silberblatt, contractor for a $30 million Oakland Post Office construction job. Mr. Harris testified that there have been no Negro plumbers, operating engineers, sheet metal workers, ironworkers, electricians or steamfitters on the job.[88]

According to Mr. Harris, contractors do not have the tools to fight the unions.[89] If the government required contractors to put Negroes on the job in each job category, Mr. Harris testified, they would be forced to hire non-union people and

> *... tomorrow, the Post Office job would be shut down. That is a reality of life, and I am sure you know this.*[90]

Union representatives were asked what they would do if a Federal contractor hired outside the hiring hall in order to get minority workers. The answer was unanimous—the unions would enforce their contract.[91]

Raymond Dones, a Negro electrical contractor in the Bay Area, criticized Federal contract compliance efforts as ineffective. When asked whether he thought the new affirmative action program would be successful, he replied:

> *As I understand the new attempts, they are still asking for voluntary compliance and there has been no show of force on the part of the Federal Government, and without this show of force that they will in fact enforce the letter and the spirit of this Executive Order 11246, there will not be any substantial compliance with it.*[92]

At the San Francisco hearing, the Office of Federal Contract Compliance was represented by Vincent Macaluso, Assistant Director in charge of Construction, and Robert Magnuson, Area Coordinator for San Francisco.

Mr. Macaluso was asked what, as a practical matter, a plumbing contractor in the Bay Area could do to comply with the Executive order:

> MR. MACALUSO: *What we do [require] . . . is actively to seek and sponsor members of minority groups for pre-apprenticeship training. . . .*
>
> MR. GLICKSTEIN: *Mr. Mazzola [of the Plumbers Union] said he was opposed to pre-apprenticeship training. . . .*
>
> MR. MACALUSO: *[W]e deal with the contractors. Actually our office deals with the Federal agencies and the agencies deal with the contractor.*[93]

It was difficult to tell from Mr. Macaluso's testimony what positive results would be achieved by the Bay Area affirmative action program, since he did not indicate how union opposition would be overcome. In response to Commissioner Griswold's question:

> *Have the efforts of your office brought about the employment of one minority plumber in the San Francisco Bay Area?*

Mr. Magnuson, replied: "Not to my knowledge."[94]

Since Federal construction contracts create many job opportunities, termination or suspension of such contracts would have a substantial adverse effect on the employment prospects of union members. Nevertheless, Mr. Macaluso testified that to his knowledge, no Federal construction contract ever has been terminated for non-compliance.[95] And the sanction of suspending the award of contracts has been used rarely.[96]

Another way in which the Federal Government has attempted to combat union discrimination is through the work of the Bureau of Apprenticeship and Training (BAT).

BAT promotes and registers apprenticeship programs. Registration provides the legal basis for Federal support of the apprenticeship program. Such support, although not extensive, includes technical assistance and some financial benefits.[97] To be registered a program must meet certain Federal standards which are incorporated into BAT regulations.[98] These regulations require that the selection of apprentices to fill job openings must be based on "qualifications alone," using nondiscriminatory criteria.[99]

The Commission heard testimony at its Cleveland hearing describing the testing and apprenticeship selection procedures of the Joint Apprenticeship Committee of Plumbers Local 55.[100] This local's program is registered with the Ohio State Apprenticeship Council. Such registration automatically qualifies an apprenticeship program for Federal support where the State requirements for registration, as in Ohio, meet Federal requirements.[101] The program is serviced and compliance monitored by BAT's Cleveland office since the Ohio Council has no field staff.[102]

As of April 1966, only one of the 163 apprentices in the program was Negro.[103] Martin Kilbane, Chairman of the Joint Apprenticeship Committee and a member of the union, testified that his committee gives preference to friends and relatives of union members:

> MR. GLICKSTEIN: *I notice that on the application form this question appears: "Have you any relatives or friends in the plumbing trade?" What is the purpose of this question?*
>
> MR. KILBANE: *Well, we sort of feel that all things being equal, when we are placing apprentices and they are on the qualified list, that if we have an application from let us say, a son of a plumber, we will definitely try to place him, all things being equal.*[104]

Oscar Poole, BAT's representative responsible for reviewing the plumbers' apprenticeship program, testified that he never had made a field review of Local 55's procedures.[105] Mr. Poole was asked whether, on the basis of Mr. Kilbane's testimony, he thought that the plumbers apprenticeship program was in compliance with the requirement that apprentices be selected on the basis of "qualifications alone":

> MR. POOLE: *I would say that if the Committee made its selection on the basis of its qualification and selection procedure, that has been registered with the State Council, using the evaluation, then they would be in compliance.*
>
> * * *
>
> MR. GLICKSTEIN: *They are in compliance even though as you heard Mr. Kilbane testify all things being equal, preference will be given to sons or relatives of members?*
>
> MR. POOLE: *That is not on the evaluation [form] of the apprentice. . . .*[106]

Mr. Poole maintained, in the face of Mr. Kilbane's testimony, that the program was in compliance and asserted that he did not propose to undertake a field review of the program unless the Ohio State Apprenticeship Council requested one:

> MR. GLICKSTEIN: *What do you propose to do as a result of the testimony you heard here today?*
>
> MR. POOLE: *Whenever there is a complaint or a request from the State Council to review and discuss this with the Plumbers Committee, that will be my function if I am designated to do it. . . .*[107]

***The Flight of Jobs.*** Those confined to the ghettos of the central city today are faced with another serious obstacle to employment—the movement of industry from the city. Jobs—both private and public—increasingly are being dispersed from large urban centers to smaller cities and suburban areas.[108]

San Francisco Mayor John F. Shelley testified that small industry in San Francisco was "bit by bit moving out":

> *Why are they moving out? Because we are only about 45, 46 square miles in our geographic area, the city and county of San Francisco, and these small industries were operating in two and three and four story loft buildings. Their handling expenses, their overhead were going up, and yet the property upon which that building was lo-*

> *cated kept increasing in value and they were on high cost property. . . . As a result, a lot of these small industries have moved down the Peninsula, across to Alameda County, Contra Costa County.*[109]

This exodus, Mayor Shelley stated, reduced the availability in San Francisco of blue collar work.

The impact on minority workers, especially minority youths, was sharp. Orville Luster testified:

> *[I]n a city like San Francisco where you have been losing a lot of your factories, and this type of thing, since 1950, we are more of a financial center, it makes it very difficult to find . . . the beginners' jobs. . . .*[110]

Lyle Schaller, a city planner in Cleveland—a heavily industrial city—told the Commission:

> *Most of the employment opportunities opening up are in the suburban communities, many of them in the southern and western part of the counties are quite some distance from where the Negro population lives.*
>
> *. . . It raises a problem in terms of simply knowing about the jobs being advertised, of getting there before the job is filled, and this kind of thing, plus the problem of transportation which is a serious problem for many Negro families.*[111]

The city of Oakland—in Alameda County—has a population of 385,700. About 120,000 are nonwhite. The unemployment rate for the Negro population was 13 percent; another 10 percent of the male working force was neither working nor looking for work; the unemployment rate for teenagers was 41 percent. Yet, in the suburban portions of Alameda County—where there are approximately 185,000 jobs at all skill levels—only a small fraction, roughly 3,700, are held by Negroes.[112]

Few Negroes live in suburban Alameda County. Public transportation from central city to suburban areas is limited and expensive and the cost of commuting by car, which includes automobile insurance, license fees, and substantial expenditures for gasoline and maintenance, is more than most slum residents can afford.[113] Employers, moreover, prefer to hire persons living close to work in order to reduce absenteeism and to build a labor pool which can be recalled easily after layoffs. The suburban Fremont plant of Trailmobile Division of Pullman, Inc., at one time hired employees who lived in Oakland, 25 miles away.

This policy changed in 1961, according to the testimony of Leo F. Smith, personnel manager, when nine employees in the company's critical metal department were injured seriously in a chain collision of vehicles on the approach to the San Francisco-Oakland Bay Bridge. The company then decided to restrict its hiring to persons living "closer to the plant to try and eliminate the problem of absenteeism due to freeway accidents."[114] The result of this change in policy was to restrict employment possibilities for Negroes.

## *Housing*

Asked at an open meeting what she would do if she had a better income, Mrs. Charlotte Gordon, a resident of a Gary slum, replied: "The first thing I would do myself is to move out of the neighborhood."[115]

Another resident of the same area, Mrs. Friels, in reply to the identical question, said she would like to move to "someplace where we could have a lawn, you know, and just breathe free air for a change."[116]

To many slum residents, just as to other Americans, moving to a better neighborhood may mean more than obtaining better housing. For one thing, it may give their children the opportunity to grow up in a healthier atmosphere. Mrs. Gordon explained why she wanted to move:

> *I feel this is a slum, and if your children grow up in this kind of thing, never seeing anything else, what are they to know about it? You tell them about it, but how can you tell them about it?*[117]

The opportunity to move outside the ghetto also may mean the opportunity to send children to better schools. And it may bring one closer to job opportunities; the flight of jobs from central cities would not present a barrier to employment opportunity for Negroes if they were able to live in the areas where the jobs were being relocated.

Negroes who live in slum ghettos, however, have been unable to move to suburban communities and other exclusively white areas. In part, this inability stems from a refusal by suburbs and other communities to accept low-income housing.[118] Even Negroes who can afford the housing available in these areas, however, have been excluded by the racially discriminatory practices not only of property owners themselves, but also of real estate brokers, builders and the home finance industry.[119] An important factor contributing to exclusion of Negroes from such areas, moreover, has been the policies and practices of agencies of government at all levels.

***Owners and Realtors.*** Walter Sowell, a Negro who was Superintendent Engineer with the Cleveland Metropolitan Housing Authority, testified at the Cleveland hearing that he had "looked over the entire Cuyahoga County" for a home and a neighborhood within his means. He was told on the phone that he could not buy a house because he was Negro, "but never face to face . . . there were a lot of excuses given. . . . [T]he second call or third call, usually the house was sold or something happened and it was transferred to another real estate company. . . ."[120] He further testified that

> *. . . being in housing for 21 years or most of my life, knowing something about prices, we would see a house listed for, say, $18,000.*
>
> *We know this particular house was built by a particular builder and we see them all over the city. It was $18,000. When it got to me, it was $23,000 or $24,000.*[121]

Mrs. Allie Anderson, a welfare mother, told the Commission at the Cleveland hearing that she had been refused apartments while looking for a new apartment on Cleveland's East Side:

> *[M]ost of the decent places they don't want colored, and especially over in the Shaw and Hayden area they would tell me the place was taken, or even that they weren't accepting the Negroes now.*[122]

The Commission heard testimony that many real estate agents avoid showing Negroes homes in "white" areas. Leonard Simmons, a Negro graduate student and faculty member at Western Reserve University, told the Commission that real estate agents

> *. . . only show you homes that are available in Negro areas or areas that are predominantly Negro or where there are large numbers of Negroes. They say they would be quite willing to show a prospective buyer a home in any area. Unfortunately, the owner is not willing to sell to the Negro buyer. This is what the real estate agent tells the buyer. This is what they told me. I then came across a real estate agent who happened to own the home I was interested in. He told me the same thing. I said you own this home so you can't say the owner is unwilling to sell to a Negro. He told me: "You wouldn't be happy in this neighborhood." He was very concerned about my happiness! . . .*[123]

Other testimony in Cleveland suggested that there were agreements between Negro and white real estate agents to confine Negroes to particular areas. Robert Crumpler, describing his attempt to purchase a home in a "white" area, testified:

> *We called very many times. . . . If you called about a house that is listed with . . . a [white] real estate dealer, the telephone girl answers and says there is no one at the office at this time that can tell you about this particular property but we will have him call you back, and somehow they never called back. I think earlier the gentleman mentioned a crisscross directory where they have telephone numbers by streets. If you are living on Ansel you are either a Negro or Polish and if you decided to stay in that area, then you are not much more desirable than the Negro, so several days later we got a call from a Negro real estate dealer who just happened to have some nice property in a fringe area that would be available to us. . . .*[124]

Mrs. Robert Golter and Mrs. Sheldon Kurland—white real estate agents in Nashville—described for the Tennessee State Advisory Committee the practices of real estate agents in Nashville. Mrs. Golter stated:

> *When I received my license to sell real estate a year ago, I had very few thoughts about the problems, possibilities and challenges of finding comfortable, attractive homes for Negroes. When a friend who was Negro indicated her desire to buy a home, I asked one of the partners of the company the policy. He indicated that I could sell to a Negro only if there was another Negro family in the block. I began searching for such a block. The search was disappointing indeed. . . . After I talked with a half dozen agents about selling one of their listings to a Negro I learned over and over again that this not only did not get me into the house, in some instances, it eliminated the possibility of my ever showing any of that company's listings to any client.*[125]

Mrs. Kurland said that most white realtors with whom she had talked would find a home for a Negro buyer in an already integrated section, but not in an all-white neighborhood because "the whites wouldn't stand [for] the situation."[126]

***Finance Industry.*** Discriminatory practices are indulged in by representatives of the finance industry as well. In San Francisco, the Commission heard charges that lending institutions in some areas would "not make first mortgages to racial minorities who move outside of prescribed areas. . . ." [127] James P. Brown, representing the Atlanta Savings and Loan Association, told the Georgia State Advisory Committee that his Association would be "reluctant" to make a loan to a Negro who wanted to purchase a home in an all-white neighborhood because "it might—and it has caused discord—and reflects upon us in some way." Mr. Brown stated:

> *We like to keep things pleasant and we like to keep our community more-or-less stable. I mean by that, all finance people feel like this. We have a nice, pretty neighborhood and everything's working fine, we want to keep everybody happy and keep it like that, and not antagonize them or stir them up and it seems to do that, so in answer to . . . [the question], it would be with reluctance.*[128]

***Builders.*** Builders, particularly large scale tract developers in the suburbs, also have contributed to keeping Negroes out of white neighborhoods. In Daly City, Calif., the enormous Serramonte housing development, which eventually will provide moderate priced housing for approximately 20,000 residents, was picketed by demonstrators protesting its alleged all-white sales policies. Although the picketing resulted in agreement that discriminatory practices would cease, at the Commission's Bay Area hearing testimony was heard that there were no Negroes living in Serramonte and discriminatory practices were continuing.[129]

As a consequence of these practices, for many Negro families house hunting is a long, discouraging, humiliating experience. Mrs. Merlin Reid, a Negro resident of Boston, told the Commission's Massachusetts State Advisory Committee:

> *We . . . approached another agent, in the same town in reference to houses advertised in the daily newspapers. We were politely shown those houses which were in poor condition, or by some coincidence were already sold. . . . We finally decided to try another town. The agents, it seemed, were waiting for us at the door. We received the same polite treatment and we departed with the same feeling of degradation. . . .*[130]

Complaint-oriented State fair housing laws may provide a remedy but only at the price of a substantial investment of time, effort and expense. Asked whether he had complained to the agency responsible for administering the Ohio Fair Housing Law, Walter Sowell replied that he had not:

> *. . . I was like a lot of other people—you sort of lose patience when you are losing money, you are losing time, you have a job. . . .*[131]

***Role of Government.*** Local governments often engage in practices which contribute to housing segregation or fail to seize opportunities to reduce it. Some of these practices and omissions were revealed at the hearings and open meetings.

Daly City and the company which was building Serramonte had entered into an annexation agreement by which the city agreed to provide certain municipal services to Serramonte. The Mayor of Daly City, Bernard Lycett, testified that Daly City, in return, would derive substantial benefits including tax revenue from having annexed the tract. Despite this agreement, the city authorities felt there was nothing the city could do to induce Serramonte to abandon its discriminatory housing policy.[132]

Planning agencies often fail to consider means of preventing new ghettos from developing. Ferris Deep, Director of the Metropolitan Planning Commission in Nashville, told the Tennessee State Advisory Committee that the Planning Commission, in planning for the city's development, neither attempts to avoid creation of racial ghettos nor to break up concentrations of people of low income.[133] Thus, the Planning Commission was oblivious to such matters in locating public housing projects.[134]

In 1966, the Commission's New Jersey State Advisory Committee was told that 16 years after passage of the New Jersey law prohibiting discrimination in housing, four of Newark's 13 public housing developments were 90 to 99 percent Negro. Of three housing developments for the elderly opened in Newark in 1965, one was 97 percent white, one was 95 percent white, and one was 92 percent Negro.[135] Similarly, although racial designations have been removed from the public housing projects in Nashville, 12 of the 14 low-rent public housing projects there are more than 99 percent Negro or 99 percent white.[136]

Louis Danzig, Executive Director of the Newark Housing Authority, was asked at an open meeting to explain why he had referred to two predominantly white public housing projects as "the country club projects." He answered:

> [*T*]*he reason they are called country club projects is that they are on the periphery of the city, and one is right*

> *opposite Branch Brook Park and the other is practically in the suburbs. . . .*[137]

In Cleveland, the Commission found that at the time of its hearing in 1966, seven of the 11 public housing projects were either more than 90 percent Negro or more than 90 percent white.[138] In the 20 years of its existence, no Negro ever had been assigned to the 100 percent white Riverside Park development. Asked if a Negro had ever been offered a unit in Riverside, Ernest Bohn, Director of the Cleveland Metropolitan Housing Authority, replied:

> *No unit has been offered to them at Riverside, it is near the airport as you know. It is in the heart of a home-ownership area, all white, and since so many Negroes have refused to live in a racially integrated place on the West Side, we have not offered any to the best of my knowledge, and I checked this quite recently with the applications office, no Negro has expressed a desire to live at Riverside.*[139]

At the open meeting in Boston, Rev. Gilbert Avery, pastor of a church in Roxbury, described the situation at the Mission Hill and the Mission Hill Extension public housing projects. He reported:

> *When I came here five years ago there were 1,024 white families in the Mission Hill Project and no Negro families. At the Mission Hill Extension there were 580 families of which 500 were Negro. These two projects are across the street from each other and they have the same manager and are considered as one project. But I have heard six and seven year old children refer to them as the white and Negro projects. Parker Street which divides the two projects is like the Berlin Wall. In 1962 the housing authority was going to desegregate the projects but today the white project is still 97 percent white and the Negro project has risen to 98 percent Negro. In the rental office there are two windows, one for Mission Hill and one for the Extension, and except for the absence of two signs saying "white" and "colored" it might be Birmingham, Alabama. There is literally a line of whites and a line of Negroes paying their rent.*[140]

Local governments contribute to racially segregated housing patterns in other ways. The Cleveland Metropolitan Housing Authority is one of the few public housing agencies with the authority to construct and operate public housing in the surrounding suburbs.[141] Yet all of the public housing in the Cleveland metropolitan area is concentrated within the core of Cleveland. Mr. Bohn testified that before public housing can be constructed in a suburban community there must be an agreement between that community and the Federal Government under which the community agrees to render the usual municipal services that it performs for a private developer.[142] Because the suburbs have refused to enter into such agreements, it has not been possible to use public housing as an instrument to reduce residential segregation within the metropolitan area and provide an opportunity for movement out of the ghetto.

The main effort of the Federal Government to end discrimination in federally assisted housing in the private sector has been through Executive Order 11063 issued by President Kennedy in 1962.[143] The coverage of Federal regulation is only partial—it is estimated that the Executive order covers approximately 23 percent of new housing,[144] primarily purchased with funds secured by mortgages insured by the Federal Housing Administration.[145] This represents a miniscule portion, less than 2 percent, of the total national housing supply of 65 million units.[146]

Witnesses at Commission hearings alleged that Federal policy was not being effectively implemented. In the San Francisco Bay Area FHA insures mortgages on 51 percent of all new housing starts,[147] a more significant share of the market than elsewhere in the country. Staff investigation, however, showed that few Negroes lived in the new housing tracts and communities of the Bay Area where FHA had insured mortgages or had made commitments to insure.

Jack Tuggle, Deputy Director of the San Francisco Insuring Office, was responsible for carrying out the provisions of the Executive order in the Bay Area. He testified that when builders apply for mortgage insurance or other FHA services he "calls their attention" to the fact that they have signed a statement that they will not discriminate.[148] The builders, however, are not required to attempt to reach the Negro market or to advertise that their policy is one of equal opportunity or even to make known to potential buyers that they are subject to the requirements of the Executive order.

Mr. Tuggle felt that builders doing business with FHA should not be required to pursue a vigorous equal opportunity program since their competition was not subject to such requirements. He viewed his agency primarily as a service agency to the housing industry and believed that builders subject to such requirements might be hurt financially and might cease to do business with FHA:[149]

> *It is our job to enforce the order, of course. It is also our*

> *job to improve housing standards and to try to create as much housing available as possible to all persons. . . .*[150]

It was Mr. Tuggle's feeling that "anything that would tend to cause us [the FHA] to lose a position in the market, and the influence that we exert in the market . . . might not be as self-serving for the cause as we would like for it to be." [151]

Mrs. Lucy Buchbinder, chairman of the Housing Opportunities Committee of the Council for Civic Unity of the San Francisco Bay Area, criticized FHA's failure to insist that developers of FHA insured housing advertise that they are operating under the Executive order. She explained why such a policy should be required:

> *[T]here is such a long history of new housing being available for whites only that unless we engage in a really vigorous, affirmative campaign to make it known that some housing is open, the minority community will not come and look.* [152]

Mrs. Buchbinder testified that she had made this suggestion to the Department of Housing and Urban Development and to FHA and had been told that "to make developers identify their tracts as being equal opportunity tracts would be discrimination against them." [153]

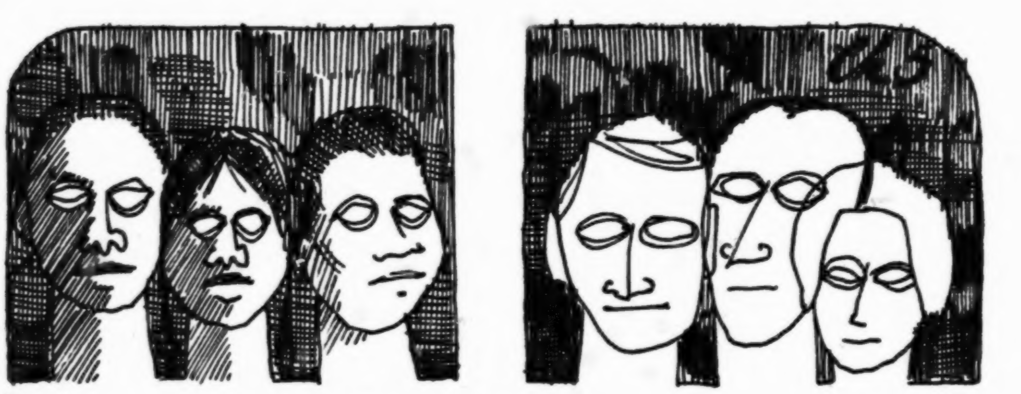
To enforce the Executive order, FHA relies on complaints filed by victims against the offending builder, developer or landlord.[154] Mrs. Buchbinder stated that her experience has convinced her "that the case-by-case approach is very slow." [155] In order to process a complaint, Mrs. Buchbinder testified, she had to "obey the rules of the game", which included keeping a client who was "live and willing and able to buy the house." She testified also that "once the house was made available, that this was the end of the case"; [156] no sanction was imposed on the builder who was guilty of discrimination.

What has been the impact of the Executive order in the Bay Area? According to Mrs. Buchbinder:

> *[T]he Executive Order has made no visible impact at all. If you go into any of the tracts in suburbia, you will see that what is happening actually is that white ghettos are growing up at a rapid rate.*[157]

The failure of government to correct housing discrimination contributes to the skepticism of ghetto residents that opportunities for leaving the ghetto ever will become available. Leonard Simmons testified that he had filed four complaints alleging housing discrimination with the Ohio Civil Rights Commission and that none of them had been satisfactorily resolved.[158] He stated that he "no longer possessed the energy necessary to file the complaints." [159] He believed that experiences such as his would have a "depressing" effect on the belief of Hough residents that efforts at self-improvement would enable them to escape the ghetto:

> *. . . I worked very hard to make myself acceptable to the white community and to do all those things that are considered acceptable and, yet, I find that I am excluded. For those people who have not had the opportunities that I have had or are still trying to improve themselves, I'm sure that they must become extremely skeptical as to whether it is worthwhile.*[160]



"... an isolated, elite type of community"

*They wanted to set up an isolated elite type of community and they are going to do everything to protect their feelings in this.*[1]

## *Racial Isolation and Social Responsibility*

As a result of racial and economic segregation, white communities are growing up in virtually complete isolation from Negroes and other persons of different racial backgrounds. In its study, *Racial Isolation in the Public Schools,* the Commission found that the current trend toward residential and school segregation resulting in isolation of the races is likely to increase in the future.[2]

M. L. Sanford is the Executive Secretary of the San Lorenzo Village Homes Association, an association of 11,000 persons living a few miles south of Oakland. At the Bay Area hearing, Mr. Sanford was asked what the feelings were in his community about the problems of Oakland's ghetto areas. He answered: "I think for the moment they feel somewhat isolated by it because they are removed physically from it, it being a bedroom community."[3]

Rev. Dorel Londagin, a white minister whose congregation lives in San Leandro, a suburb of moderately priced homes adjacent to the Negro ghetto in Oakland, also spoke of the isolation of his congregation from Negro communities and city problems. He told the Commission: "[T]here is some concern but I don't think it's enough concern. I don't think they realize the potential danger that exists in such a situation. . . ."[4]

Negro leaders from central cities criticized white suburban communities for demonstrating irresponsible attitudes towards the problems of Negro ghettos.[5] Donald McCullum, an attorney and President of the Oakland Branch of the NAACP, testified:

> *. . . San Leandro is not concerned about the hard core unemployed. Orinda is not concerned about de facto segre-*

> *gation. Lafayette is not concerned about the problems of the ghetto. San Lorenzo is not concerned about the high crime rate. No concern, no problem, no action.*[6]

The white suburbs, which depend upon the city for many services, do not put back what they take out, according to Mr. McCullum:

> *[W]e have the parasitical cities around Oakland that draw on all of the resources and at the same time they do not put anything in the central city, and we have the problems of health and welfare and crime in the central city while we have the highest type of social irresponsibility by the inhabitants of [the suburbs of] San Leandro, Piedmont, Orinda, Lafayette. This is the problem that we are grappling with throughout America. This is the base problem in this country, the domestic problem of urbanization in the central city and the social irresponsibility of those who control and run the city and have no inputs back into the city.*[7]

The Commission inquired why so little effort was being exerted by suburban communities to help resolve problems affecting Negroes who live in the central cities. In Cleveland, Robert Kruse, the Mayor of Solon, Ohio—a suburb of approximately 8,400 people—was asked if he believed his community had any responsibility to contribute to the solution of Cleveland's problems. He replied:

> *Our first aim is to develop a community without these problems, and if in some way we can help solve other community's problems without assuming similar problems, yes. Because there is a moral principle involved here.*[8]

Where Negroes are able to obtain employment in suburban communities, they incur extra costs because they often cannot live within a reasonable distance of their work and must commute. Yet suburban communities rarely ease this burden by adopting fair housing ordinances, facilitating construction of housing within the means of the Negro workers, or making available transportation facilities to provide access to suburban employment.

At the time of the Commission's hearing in San Francisco, there were about 1,000 Negroes among the some 5,200 employees of the General Motors plant in suburban Fremont.[9] Yet, according to testimony by Mayor Donald Dillon, "a pretty small number" of the Negro workers moved into Fremont.[10] The Mayor said that Fremont opposed construction of low-middle income housing because the community feared there was a "devious plan" to move Negroes in.[11]

Some 4,500 workers commute daily from Cleveland to work in the industries located in suburban Solon—a city with one Negro resident. Asked whether there was "any public means of transportation to bring these people to work," Mr. Kruse testified that "[t]here is a very, very limited bus service there." [12]

The Commission also heard testimony bringing into question the social responsibility of industry in dealing with the problems confronting ghetto residents.

For example, Leonard Mitchell, the Director of Industrial Relations of the Lockheed Missile and Space Company—an almost 100 percent government contractor located in the suburban community of Sunnyvale, Calif.—testified that although Lockheed was required by its government contracts to take affirmative action to hire minority employees, the company did not think its responsibility included assuring minority workers that they would be able to find housing in Sunnyvale.[13] When employees are recruited no attempt is made to assure them they will be able to find suitable housing in the Sunnyvale area, no list of housing available in the area is maintained, and no attempt is made to raise with local public officials the question of the availability of housing on a nondiscriminatory basis. "We are not involved in the housing aspects at all," Mr. Mitchell stated.[14]

The Rheem Manufacturing Company has a plant located in an unincorporated area of Contra Costa County, Calif., adjacent to the City of Richmond. Although the company has a labor force (half of whom are unskilled workers) which is nearly all white,[15] the area in which it is located, North Richmond, is an all-Negro slum.[16] North Richmond has the usual physical and social problems associated with slums, compounded by the absence of services a city government could provide.[17]

Several residents of North Richmond instituted proceedings for the annexation of North Richmond by the City of Richmond. Proponents believed that annexation would result in the provision of better services, particularly police protection—highly inadequate in North Richmond.[18]

The Rheem Manufacturing Company opposed annexation, and along with other property owners was instrumental in blocking it on the ground that annexation would increase taxes.[19] Witnesses estimated that the tax increase would have been no more than $10,000 per year.[20] The North Richmond plant had a total of $7,000,000 a year in sales and the total sales of the corporation were $135,000,000 annually.[21]

"It's really, pure and simple, a financial matter as far as we are concerned",[22] said the plant manager. He testified that he was not aware of the problems which existed in the neighborhood of his plant.[23]

## *Racial Isolation and White Attitudes*

Some white parents have expressed concern over the fact that their children are growing up in an all-white environment. Dr. Leon Trilling of Brookline, Mass., directed a program designed to bring Negro children from city schools to suburban schools. He explained that one of the reasons why parents in that suburban community favored the program was:

> *. . . concern over the fact that the youngsters in the suburban towns surrounding Boston were . . . all white, segregated in a sense, and that our youngsters, therefore, have an especially narrow view of the society in which they are later going to work and, hopefully, some of them take positions of responsibility.*[24]

Dr. Trilling's program was organized by the Metropolitan Council for Educational Opportunity (METCO), a nonprofit corporation. A white parent, Mrs. Katherine Endris, who worked with the program, testified about the benefits derived from it:

> *[A]s a white parent, I feel, that if my child grows up with a prejudiced, bigoted, narrow mind, and knows nothing about those who differ from him in any way, he isn't really fully educated, and when he goes out into the world . . . he will associate with people of many different races, then he will not be prepared to really relate to these people.*[25]

A white high school student at one of the schools involved in the METCO program testified that she had been "shocked" at her younger brother's remarks about Negroes and attributed them to his lack of contact with Negro students.[26]

Most white persons, however, seem to prefer to maintain their isolation from minority groups.[27]

Jack Maltester, Mayor of San Leandro, was asked why Negroes do not buy homes in San Leandro. He answered:

> *I don't think it is the real estate people nor the lending institutions. I think it's the people themselves. I'm quite sure that any real estate man would sell any home in San*

> *Leandro to a Negro if the seller of that home gave them the go-ahead.*
>
> *There is still the fear that if one home is sold to a Negro the whole block will be sold to Negroes and then the next block. . . . I guess . . .* [*this*] *did happen in the West Oakland area. And this, I think is the basis of fear.*[28]

Donald Dillon, former Mayor of Fremont, testified that white homeowners fear "an avalanche . . . of minority groups moving into the community." [29]

M. L. Sanford described the feelings white people in San Lorenzo have about Negroes moving into the area in significant numbers:

> *. . . I think they fear the concentration, and number two, I think they are inclined to look at some of the worst or the most unsatisfactorily maintained areas of Oakland or Richmond or elsewhere where you have this large concentration and where the homes are not properly maintained, and I think the people fear an economic loss if this should occur. . . .*
>
> * * *
>
> *This is not the only expression I hear. I think . . . there is very definitely a prejudice in our community, in our whole area.*[30]

Mr. Sanford described the response of the Village Association to the prejudice in San Lorenzo:

> *My board of directors, who are elected by the people, have consistently, in all the years that I have been there, you might say, completely ignored the subject of integration. They have remained silent on the subject.*[31]

Rev. Londagin attempted to find a home for a Negro family in San Leandro. He stated he would do this for any parishioner who comes into the community:

> *When it was made known that I was showing this* [*house*] *to colored people, I received phone calls and a great deal of interest was developed, some who sympathized with my concern and some, most, who did not.*[32]

Although the Negro family never moved in, Rev. Londagin testified that:

> [*A*] *great deal of anger was developed in the community and directed primarily toward me and the church.*[33]

The real estate industry often uses white prejudice to further its own ends, reinforcing residential segregation.[34] Mrs. Genevieve Jefferson, a white resident of the middle-income Merced Heights area of San Francisco, testified that the real estate industry played upon economic fears and racial prejudice during the period that the population in her neighborhood was "in transition." The area had had very few Negro families in 1950, but in 1967 the population was more than 60 percent Negro. She described the concerns expressed by her white neighbors when Negroes began moving into the neighborhood:

> *There were some people who clearly are prejudiced. There were some other people who were honestly puzzled. They really didn't know what was happening to their neighborhood, and these are people whose income is not too great. Their home was their greatest investment and they just weren't sure what was happening to their neighborhood and their home. . . .*[35]

Mrs. Jefferson thought that "some of their fears were deliberately fanned by real estate dealers in their effort to secure listings for reselling."[36] She stated that she and her husband had been contacted by real estate people who encouraged them to sell their property because Negroes were moving into the neighborhood:

> *I guess the first impact was when a very intelligent man came by and started to chat. We were mowing the lawn and he asked if we had thought about selling our home and would we like an appraisal, and we told him firmly we weren't at all interested, and then he launched into the conversation which went something like this. "I would sure be damn mad if I were you folks with something like this happening in the neighborhood." And I was puzzled at this point. I was still pretty naive, and we exchanged conversation, and finally I said, "What do you mean? Because of Negroes moving in?" And he said, "Well, of course." So I told him that both my husband and I had been very proud of the way our neighborhood integrated without any unseemly activities, that there were no demonstrations and no unhappy events. . . .*[37]

Asked whether the person who had contacted her was a real estate man, she replied:

> *Yes. He was securing a listing and he went right on urging that we get out while we could get our money out. Another one that I recall talked to me at some length and his approach was, "We are relocating families in this area."*

> *And I said, "What do you mean, relocating? Is this an urban renewal area?" And he said, "Oh, no, no, no. We are helping families who want to get out to live in a decent place." Well, our conversation terminated shortly thereafter, but there were these kinds of ways of playing on the fears of people. One elderly woman who was recently widowed was helped to move to a "safer" place and she didn't want to move, but her fears were just played upon.*[38]

Proximity of white and Negro families in an area will not itself produce racial harmony where the white people involved are unwilling to accept Negroes on an equal basis. In San Francisco's Potrero Hill area, for example, white and Negro people live in close proximity but are not part of the same community. The majority of Potrero Hill residents are white and live in private single-family structures around the sides of the hill. At the top of the hill are 833 public housing units occupied by 4,000 people, the large majority of whom are Negro. Robert Jacobs, a former resident of the public housing project and a community worker in the project, described the separation of the races on Potrero Hill:

> *[W]hat we have in our area, known as Potrero Hill, is an invisible wall . . . People understand that when you get to the apex of the Hill, which, as far as the blacks and whites are concerned, is about 22nd Street. When you start over that, you are out of your territory and this is the way they feel.*[39]

Walter Robinson, a Negro who works in the Potrero Hill project as a community organizer for the Economic Opportunity Council, testified: "[Y]ou have two separate communities on Potrero Hill, the . . . homeowners and the project dwellers." [40] According to Mr. Robinson, attempts to communicate with the homeowners have been unsuccessful, and there is little spirit of cooperation between the groups.

Mrs. Emma Fleming, a white housewife who lived on Potrero Hill all of her life, stated:

> *There is a lack of communication. Even when we sit around the table we don't communicate. . . .*[41]

The OMI project—involving the Oceanview, Merced Heights, Ingleside area of San Francisco—is an example of successful interracial cooperation in an integrated community. Lee Diamond—a Negro resident of the area—was asked to compare the successful OMI interracial project with the difficulties on Potrero Hill, about which he had heard testimony. Mr. Diamond stated that he gathered from hearing the testimony that the white people on Potrero Hill:

> *. . . communicate, whether they really mean this or not, communicate to the black community that we are the superior part and you are the inferior part and it is not going to work. It has to be on an equal basis or not at all.*[42]

Even where schools are desegregated barriers may remain because of white attitudes of superiority. Mrs. Ellen Jackson is a Negro mother in Boston who helped organize "Operation Exodus", a private program to enroll in underutilized white schools Negro children from overcrowded ghetto schools. She described the treatment given the Negro children in their new schools:

> *[T]he treatment some of our children received was really atrocious. This is just the word to use. It was astounding to think that this was Boston and that this could be happening. Some of the children were physically segregated in the classrooms by being pushed into the back part of the room. Some of the children were kept in the auditorium all day, in the hallways all day. Some of the school doors were actually barred and locked so our children could not get in. Some of our children and parents were met with hostile remarks, derogatory remarks, splashed on the doors of the new school . . . and it continued for quite a few weeks.*[43]

Mrs. Jackson testified that this kind of abusive treatment was discontinued in a few weeks after "the commotion and the publicity about the program died down."[44] Nevertheless, she said the children still were looked upon as "they" and were not fully accepted in the receiving schools.[45]

In Cleveland, for a number of years a small group of academically gifted Negro children had been permitted to attend the Collinwood High School in order to take courses not given in their neighborhood schools. But when other Negro students were bused to schools in the Collinwood area, white parents of children already in Collinwood, as well as other persons in the neighborhood, organized protests which erupted in violence in March 1965. Negro students were kept in the school while crowds of whites gathered on the steps outside. Buses were brought to the school to transport the students out of the area. Miss Linda Murray, one of the Negro students attending Collinwood, testified: "We were finally loaded on the buses and rocks and bricks and words and stones were hurled at the buses and windows were broken."[46]

Howard Birdsong, a white student at Collinwood, described the attitude of the white population in the area towards Negro students:

> *The white population in the Collinwood area . . . resent the fact that Negroes are at Collinwood and at . . . some of the elementary schools surrounding Collinwood . . . .*[47]

Miss Murray also testified that the faculty and the school administration impressed upon the Negro students

> *. . . that it is a privilege for Negroes to attend Collinwood. Negro students would constantly complain that when they were in the office for being late, for cutting or chewing gum, one of the things which was always hanging over their head was that they were out of the district and on several occasions several students have told me that the assistant principal has said: "It is a privilege for you to attend Collinwood, why don't you behave? If you don't behave you will leave." . . . [T]his is one of the things that has caused so much mistrust and resentment on the part of the Negro students that they don't feel wanted and they are not wanted.*[48]

She stated that the white students resented the presence of Negroes in the school:

> *I think you would find that the student council is a fairly good representation of the student body and at the meeting after the riot a resolution was presented to reprimand student council members who had been out throwing bricks at Negro students and one of the prominent student leaders in the school stood up and said these students were merely exercising their civil rights and their freedom of speech and they should not be reprimanded. And they weren't reprimanded and the resolution was defeated.*[49]

Howard Birdsong testified concerning the source of the resentment:

> *[W]hite students I know from the Collinwood area have based their opinions upon their parents' opinions. Most of the resentment comes from the home.*[50]

In 1965, the School Board of West Irondequoit, N.Y., a suburb of Rochester, unanimously endorsed a plan to transport 25 first-graders from a predominantly Negro Rochester school to West Irondequoit where there were only six or eight Negro children among the

6,000 students enrolled. The children selected for the program had academic backgrounds comparable to those of the West Irondequoit children. After discussions with the school district's professional staff and with representatives of parent groups and the clergy, the administration announced the program through a newsletter. Earle Helmer, the West Irondequoit School Superintendent, stated: "[T]here wasn't a great deal of response . . . [for] two weeks and then the roof caved in":

> *. . . there were charges and demands, charges that the board acted in secrecy, charges that the board was acting illegally and demanding a referendum; there were petitions circulated in the community and there were letters to the editors and there was an editorial or two in the newspaper . . . .*[51]

Asked why a community such as West Irondequoit had difficulty implementing the program, Mr. Helmer replied:

> *They wanted to get out of the city for lots of reasons, one of them being education. They wanted to set up an isolated elite type of community and they are going to do everything to protect their feelings in this.*[52]

Mr. Helmer gave the Commission "a little example of the camouflage and the fog of verbosity that one observes and hears in such a situation":

> *One individual who was most vociferous about the program and attended all of the information meetings and many of the board meetings, said repeatedly from the very beginning, "Well, I'm not opposed to the inner-city children—I think it is a splendid idea. I would work myself to the knuckle. I would work day and night to develop such a program . . . if only we had been given the opportunity to vote on this decision."*
>
> *Then one night in an information meeting he sort of lost his temper a little bit and I think probably was talking without too much feeling perhaps of what he was saying and he said, "Let me tell you something: if you drive a load of manure down Hudson Avenue, that's not a bouquet of roses." Now, I don't know if this man is prejudiced or not.*[53]

Notwithstanding the opposition, the West Irondequoit program was implemented and has been expanded.[54]

As Mr. Helmer's testimony suggests, bias in the white communities of the North and West often is not expressed openly.

Rev. Londagin described how the church membership reacted to his activities in behalf of open housing:

> *[W]hen we took strong positions on certain issues a large percentage of the church membership deserted the congregation.*[55]

He described the expressed concern of the people who left:

> *Well, the first response, by and large, "Well, we like the Negroes, we have many Negro friends and are not really against equal rights but the church has no business talking about it from the pulpit, and we want to hear nothing but the gospel."*[56]

Prejudice sometimes is reflected in unconscious patronizing attitudes. In Cleveland the business community, following civil rights demonstrations and white rioting over school desegregation in 1964, organized a Businessmen's Interracial Committee on Community Affairs. One of the organizers, John W. Reavis, told the Commission: "The Negroes on this Committee have behaved magnificently."[57]

Bias in the North and West is not always disguised. Louis Danzig, discussing the segregation in Newark's public housing projects, remarked at an open meeting of the New Jersey State Advisory Committee:

> *I think you need to know, and I think in my statement I made a very strong and clearcut statement that people are most comfortable with their own.*[58]

George Fink, whose Plumbers Union local had only four Negro members among 1,648 members in 1966—and none until 1964—was asked by Eugene Patterson, Vice Chairman of the Commission, to state his personal feelings on segregation. Mr. Fink replied:

> *I think everybody has got a place and everybody should stay in the place where they belong.*[59]

# "Look, baby, nobody is going to help you but yourself"

> *[I]f this country has the resources to put a man on the moon, certainly it has the resources to effectively deal with the socioeconomic problems that face the minority citizens. Unfortunately, at this time I happen to feel that the country does not have the will to address itself to these problems.*[1]

Many persons echoed this statement of Clifton Jeffers, a Negro attorney and president of the San Francisco-Ingleside branch of the NAACP.

## *The Will To Act*

Throughout the hearings and open meetings Negroes and members of other racial and ethnic minorities expressed disillusionment with the white community and government at all levels and questioned America's commitment to deal with minority problems.[2]

Wilfred Ussery, the National Chairman of the Congress of Racial Equality (CORE), said:

> *. . . I don't see the energy in America where, instead of putting 90 cents on the dollar in developing an airliner that will cross the country in three hours, that they put 90 cents on the dollar to buy the home for a poor black person in . . . Fillmore. * * * [T]he people who run this country don't have the commitment to deal with problems that affect my community in this country.*[3]

Negro witnesses said they did not believe that white people view Negro problems honestly. Carl Stokes, Negro Ohio State Assemblyman and winner of the Cleveland Democratic Mayoralty primary in 1967, stated:

> *We have in Cleveland developed the art of "accenting the positive" to the exclusion of remedying the negatives. How difficult it is, but necessary, to advocate as a remedy the "accent of the negative." How else to strike at and endeavor to dispel the deep, almost indigenous false sense of security and accomplishment that pervades this city?*[4]

Rev. Gilbert H. Caldwell, pastor of the Union Methodist Church in Boston, charged:

> *The city has not listened. . . . Much of the energy being expended in Boston in the area of race relations seems to be concerned with devising ways in which to say that there is no problem. . . .*[5]

Leaders in the Mexican American and Chinese American communities who testified at Commission hearings questioned the commitment of America to deal effectively with the problems of its minority citizens, and contended that American society is crisis-oriented and will deal with racial problems only when they erupt in violent conflict. Herman Gallegos, a Mexican American community leader in San Francisco, testified:

> *I regret to say that it appears that we have entered an era where we are prepared to spend money for riots, to offset riots or to deal with the aftermath of riots but are not doing anything to help people to build strong family life, to secure their education to which they are entitled under the law. . . .*[6]

Felipe Ortiz, Southern Vice President of the Mexican American Political Association, remarked at a meeting of the California State Advisory Committee:

> *It is a fact that last year in San Francisco, after the Negro uprising 700 positions [in the Post Office] were created to pacify and alleviate the problems of employment in the Negro community. The Civil Service examinations were waived in the mentioned case. Yet when the Mexican American organizations request that the same be done for the Mexican American, the administration refused to acknowledge that the Mexican American community was faced with the same problems in employment.*
>
> *Will we have to burn some buildings to obtain justice from our Government?*[7]

Rev. Larry Jack Wong, who testified about problems of the Chinese community in San Francisco, expressed a similar view:

> *[I]n this particular society today there seems to be a kind of mania, a kind of an attitude that spreads around until a group of people produces a riot, the country and the political structure among its officials do not take a close look and give enough attention or . . . do anything about a particular problem. . . .*[8]

Loss of faith among minority citizens in America's commitment to deal with their grievances is reflected in testimony indicating impatience with "dialogues," studies and reports.

Edward Becks, a Negro civil rights leader who lives and works in East Palo Alto, observed:

> *This question of creating a dialogue seems to be almost completely out of context, because this is where we were 20 years ago, you know, trying to create this dialogue and it seems that maybe we were more successful at this 20 years ago than we are today, and I think that many people in the community today just do not visualize any effort in connecting ourselves with the greater community as being very serious.*[9]

Linda Murray said:

> *I personally am not really interested right now in human relations and human dialogues between the races. . . . What I am interested in now, is in seeing that everybody can eat and that they can get clothes and a decent education and this is what we need to be working on and not dialogue groups.*[10]

Some witnesses questioned the motives of people conducting surveys and studies, especially those who were termed "professional hustlers"—students, professors or government officials who spend varying amounts of time in slums and then write books or reports about their experiences. Mr. Luster commented:

> *We are constantly having the professional hustle off of our ghettos and we are tired of it, and I think this is where the government has wasted millions and millions of dollars and has continued to do this and the people never get this money. And the only thing we get is a tremendous amount of beautiful reports that are not even read.*[11]

Asked whether his community receives any assistance from Stanford University in solving its school problems, Mr. Becks replied:

> *[W]e do get a lot of people . . . looking into our noses, ears and eyes and listening to us and tape recording what we say and we never see the benefit of what they do. . . .*[12]

Mr. Comfort commented on the Commission's hearing in Oakland:

> *Like it's nice of you ladies and gentlemen to come down and set up the Civil Rights Commission and the hearings, but it's too bad you don't have the power to do anything about it. But you put in more statistics and that is where it goes. You spend more money on statistics than on solving the problem.*[13]

John Serrato, Community Coordinator of the Youth Training and Employment Project in Los Angeles County, told the California State Advisory Committee:

> *I seriously doubt, ladies and gentlemen, that you're going to do a damn thing for us. That's right! Now, you just examine your own conscience, because when you leave this place, with the exception of one or two here on this panel, you're going to smoke your big cigar, sit down and drink your coffee and say, "Well, yeah, we sure talked to those Mexicans over there." But that's going to end right there.*
>
> * * *
>
> *We've gone to the Fair Employment Practice Commission with complaints. They've told us, "Yes, we're going to look into it." Man! They must think the complaint is in Mars because they've been looking for as long as four years and nothing has happened yet.*[14]

At the conclusion of an open meeting of the Commission's New York State Advisory Committee in New York City, the committee chairman observed:

> *[T]he Negro community regards any new investigations, meetings, or hearings with cynicism, if not hostility, and with a disheartening lack of faith that such additional investigations will be more meaningful or productive than those which have been conducted in the past.*[15]

## *Militancy in Minority Communities*

Many witnesses testified about increasing militancy among Negro youth.[16] James Richards told the Commission:

> *They [Negro youth] can't sit back and believe everything they've been told that things are going to get better because things aren't getting better. Things are getting worse and children that grew up in a poor area in this generation and getting more sophisticated of what is going on around them [and they] are going to let you know. . . .*[17]

Clifton Jeffers explained that Negro youth are

> *. . . developing attitudes which seem to say: "That if this society is such that I cannot obtain gainful employment, then I am inclined to pursue that course of action which, in my opinion, will contribute to a downfall, a deterioration, a destruction of that society that denies me the opportunity of employment."*
>
> *I think we find that expressed in a number of areas in increasing numbers. We note the formation of varied and numerous black nationalist oriented organizations and I think that is a reflection, an outgrowth of the frustration that the young people face today.*[18]

Asked if a significant number of people share this feeling, Mr. Jeffers replied: "I think there is a significant group of people who feel that way and, unfortunately, I think the numbers are growing." [19]

Speaking of the militancy and impatience of Spanish youth, Mr. Gallegos said: "The younger people are becoming very impatient with those of us who are somehow looked upon as leaders by the establishment, because we have been unable to bring about changes fast enough." [20] The militancy and alienation of many members of the Mexican American community was made very apparent at the Commission hearing in San Francisco. Several witnesses subpenaed to appear before the Commission refused to testify and walked out of the hearing in protest against policies of the Federal Government.

Like Mr. Jeffers, other witnesses interpreted the new militancy in minority communities as an outgrowth of disillusionment and frustration. Wilfred Ussery said:

> *. . . I have to say that [increased militancy] comes out of a sense of awareness that the usual kinds of tools that one has dealt with are inadequate to deal with the problem.*

> *It would also stem from recognizing that most of the definitions of the problem that we have dealt with in the past really have been quite superficial. They have not been answers or staking out of problems which really provided or would provide, even if we were successful, answers for masses of black people in this country.*[21]

Robert Jacobs, a Negro witness in San Francisco, said that the black nationalists were telling Negroes they cannot rely upon white liberals to correct unjust conditions:

> *Now, what black nationalist groups are telling them is that "Look, baby, nobody is going to help you but yourself, and what you had better do, you had better realize that with all the liberals in the world that you still have these conditions that you had when you met these liberals, and until you can do something about it for yourself, they will be here."*[22]

Earle Williams said that Negroes were attempting to organize and control their own lives:

> *In other words, we are not sitting back any more and waiting on other people to dictate our lives. We are trying to organize ourselves where we have something to say about our own lives. . . .*[23]

Mr. Becks explained what the concept of "black power" meant for people living in the heavily Negro area of East Palo Alto, a community isolated from surrounding white communities (despite attempts by Negro leaders for annexation) and poorly governed by the county:

> *I think the people are saying two things. They are saying that if you—you can call it Black Power, if you will, or you can call it whatever you wish, but they are saying that if we mean integration when we say it, then it seems that the powers that be should be able to do something that is positive in the direction to see that integration becomes* a fait accompli.
>
> *Now on the other hand, if you do not mean integration and you mean segregation because this is what we are getting, then possibly something should be done on the other hand to see that these segregated people can control the schools and the other industries, et cetera, that exist in that segregated area.*[24]

Asked whether the people in East Palo Alto were becoming disillusioned about the likelihood of creating an integrated society, Mr. Becks replied: "I don't think many people in the East Palo Alto area visualize anything like an integrated society." [25]

A young Negro militant, Earl Anthony, testified that instead of going into the black communities, white people should "fight the racism in their own areas, because this is where the major battle is, in the white communities, rather than in the black communities." [26]

Walter Robinson said he thought "the black people in this country have been trying for the past 400 or so years to achieve their goals within the democratic process, and I think there is a lot of disagreement on how well they have succeeded." [27] He said:

> *We would like to be able to proceed along the established democratic lines for change if this is possible, but if this is not possible, then we will have to do whatever is necessary to make these changes.*[28]

Mr. Comfort warned white people not to ask "why" when disorders erupted in the cities:

> *So when things blow in the city people sit back and want to know why, and all the time we're telling you why.*[29]

Robert Jacobs thought that white people "are going to have to start looking at these people as human beings, rather than Negroes. . . . They are going to have to realize that this is not just a Potrero Hill problem or a Negro problem. They are going to have to realize this is an American citizen's problem. This is an American social ill and something has to be done about it, and unless we find some effective means of communicating, breaking down these emotional walls that we have over there, we haven't seen half the problems we are going to have." [30]

# Conclusion

Although few white Americans have had first hand contact with Negro slums or Mexican American "barrios," in recent months they have become generally familiar with the tangible facts of ghetto life. They have read about or been made aware of the meanness of the surroundings and the poverty—the deteriorated housing, the rats, the unemployment, the vice and crime. What is not visible to the eye and what apparently is not generally understood is the feeling of many Negro ghetto residents that they live in a "trap" from which they cannot escape. The life of the slum dweller—physically bare—is characterized by frustration, despair and hopelessness. He has a sense of powerlessness and a feeling of inability to communicate his own problems, control his own destiny or influence persons in positions of authority.

For many ghetto residents, the symbol of white authority is the policeman, who, in their view, has often not provided protection for citizens within the ghetto, does not treat them with dignity and respect and views his role as that of keeping Negroes "in line" on behalf of the white community. In the view of ghetto residents the attitude of local government is exemplified by the inadequacy of sanitation services, and by the absence of needed health and recreational facilities and the transportation services that would make them accessible. The symbols of the white business community are the merchant who sells inferior merchandise or who exploits the economic dependence of Negroes by providing credit at exorbitant rates, and the absentee landlord who reduces services and allows property to deteriorate once Negroes become tenants.

It would be reassuring to conclude that the situation of Negroes in the slums is not dissimiliar to that of past generations of American immigrants who lived in ghettos but were able to leave. Many white Americans have drawn this conclusion and have expressed the belief that Negroes themselves are responsible for their condition and that all that is required to escape is personal effort. But the analogy is misleading and dangerous. Negroes are not recent immigrants to our shores but Americans of long standing. They were oppressed not by foreign governments but by a system of slavery supported by this government and its people. The legacy of slavery continues in the form of racial segregation (*de facto* if no longer legal), discrimination and prejudice. Escape from the ghetto for any group is much more difficult in the America of the 1960's than it was one or two generations ago. Society has become more complex, and unskilled employment or small business enterprises no longer are meaningful first steps up the ladder.

These factors—the demands of a technological society, and discrimination and prejudice, facilitated by the visibility of the Negroes' skin color—have been translated into barriers far more formidable than those which were faced by the Irish, the Italians, the Poles or the Jews in this country.

The traditional exits from ghetto life have been blocked. Public education long has been viewed as a means to provide the Nation's youth with skills which would enable them to escape poverty and join the mainstream of society. But most Negro youngsters are in overcrowded and inadequate schools which are, as a practical matter, segregated by race and by class, and which are stigmatized by the community. They have little or no contact with more advantaged students and they are outside the informal channels that lead to skilled employment. They frequently are taught by teachers who are less able or experienced and who expect less of them. Contrary to widespread belief, recent Federal efforts to make available more aid to inner-city schools have not appreciably affected the disparity between the resources of these schools and those of other schools within the city and better financed suburban systems.

Many Negro youths, having failed to receive a meaningful educational opportunity, at an early age and without the necessary skills enter a labor market in which racial discrimination is still prevalent. Government efforts to provide training have been small in relationship to the need and frequently have been poorly coordinated or misdirected. Entry of Negroes into the construction trades—one of the few remaining fields of well-paid employment that does not require extensive formal education—still is blocked by union practices of discrimination which have not been eliminated by civil rights laws and governmental action.

A further problem arises from the fact that employment opportunities in private industry are increasingly moving from the inner-city into the suburbs, and beyond. Though jobs in private industry and in public service are growing rapidly in the suburbs, these are often inaccessible to Negroes because of the housing practices of government and the housing industry. Despite its declared goal of providing a decent home in a suitable living environment for all American families, the Federal Government has not met the housing needs of the great majority of low and moderate income families and has often acquiesced in the decisions of local authorities to locate publicly assisted housing only in tightly restricted areas of the ghetto. Moreover, the discriminatory practices of real estate brokers, builders, and mortgage lenders, unrestrained by any effective Government regulation, continue to confine Negroes of all income levels to ghetto areas and to restrict the housing market in ways which facilitate exploitation.

The response of Government to deprivation and discrimination has raised expectations, but has too often been characterized by an inadequate commitment of resources and by acquiescence in, or failure to deal effectively with, practices of segregation and confinement. In addition, the goals of social and economic legislation often have been thwarted by self-defeating rules and regulations. Thus, for example, most Negro citizens would welcome welfare programs which offered not a "dole," but assistance which would achieve the program's stated purpose—to promote economic independence and family stability. Instead, welfare programs have been devised and administered in a manner which tends to break up families and perpetuate dependency. Critical decisions are often made by officials far removed from the scene and the persons most intimately involved are generally not permitted to participate in planning their own affairs and futures.

Underlying these private and public actions have been attitudes within the white majority—attitudes based on fear, on racial prejudice, and on a desire for status. While many of these attitudes are not overtly expressed, they are nonetheless real and effective. They have been accompanied by a lack of concern for and a failure to become involved in the problems of the slums.

It is in the context of great frustrations, of laws and programs which promise but do not deliver, of continued deprivation, discrimination and prejudice in a society increasingly prosperous, that the increasing alienation and the disorders of recent months must be viewed. Despite the great destructiveness of recent urban riots, mainly to people and property in the ghetto itself, relatively few people have been involved. But the general public should come to understand that the riots are only the violent manifestations of feelings of anger and despair which are much more widely shared. Reacting to continued rejection and to doors which do not open even after years of patient waiting, increasing numbers of Negro citizens are rejecting white America. The failure of State, local and Federal governments to respond to the efforts of moderate Negro leaders is causing increasing numbers of Negroes to despair of moderate methods and of moderate leadership and to favor a separatist course.

The expressions of these feelings, often lumped together under the heading of "black power," are varied. Some expressions, particularly those which help to build a sense of dignity and pride and which stimulate community participation, may be constructive; others, such as riots or violence, can only be destructive of what little has been achieved so far. But even the most constructive efforts by Negroes are not likely to reduce materially the deeply held feelings of frustration and anger, or to improve the sad state of race relations in this country, until Americans generally make a massive commitment to strike at the underlying causes—poverty and segregation.

The problems of our cities and the people who live in them will not be resolved by a search for culprits or conspirators, or for solutions which do not cost money or effort. Nor can it justly be argued that remedies for the discrimination suffered by the millions of Americans who live in slum ghettos should be deferred on the ground that to do otherwise would be to reward violence. Violators of the law must be punished. But it would be a cruel paradox if after years of failing to reward patience or redress injustice, we were to use such violations by a few as an excuse for continued inaction on the problems which affect so many, and involve us all.

The problems of race and poverty which we face today cannot be resolved unless their solutions are made the Nation's first priority. The Nation may continue to struggle with the problems which inevitably arise when we are divided into separate, unequal and alien groups—either torn by violence or co-existing in an uneasy peace purchased at the cost of repressive action. Or we can all together make the commitment which will redeem our promises and ideals by opening the doors of the ghetto so that Negroes and other minority groups can become full participants in American society, with a truly equal opportunity for all.

# Footnotes

## Footnotes to Chapter 1.

[1] *Hearing Before the U.S. Commission on Civil Rights, San Francisco, Calif., May 1–3, 1967, and Oakland, Calif., May 4–6, 1967* at 284 [hereinafter cited as *Bay Area Hearing*].

[2] *Id.* at 283–84.

[3] *Id.* at 284. Piri Thomas, a Puerto Rican author who lives in East Harlem, described the reaction of Puerto Rican youth rioting in East Harlem:

> On 105th Street, in one of the big department stores, I saw two young Puerto Ricans smash all the front windows in, making no attempt to loot, but rather, methodically, with sticks in their hands that were longer by three feet than the policeman's night stick, smash with all their fury the heads of the mannequins and then stand inside the store and look out at the crowd almost as if to say, 'World, we are not mannequins, we are human beings.' N.Y. Times Magazine, Aug. 13, 1967, at 76, col. 4–5.

[4] Massachusetts State Advisory Committee to the U.S. Commission on Civil Rights, *The Voice of the Ghetto, Report on Two Boston Neighborhood Meetings* 7 (1967) [hereinafter cited as *Voice of the Ghetto*].

[5] *Proceedings Before the Indiana State Advisory Committee to the U. S. Commission on Civil Rights in Gary, Ind., Feb. 8, 1966* at 42 [hereinafter cited as *Gary Transcript*].

[6] *Id.* at 41–42.

[7] For a study of the "pathology of the Negro ghetto," see Kenneth B. Clark, *Dark Ghetto* (1965), an analysis of ". . . what happens to human beings who are confined to depressed areas and whose access to the normal channels of economic mobility and opportunity is blocked" (Introduction to an Epilogue, p. xxii). Dr. Clark's view of the Negro ghetto (as compared to white urban slums) reflects that of witnesses quoted in this chapter: "The Negro believes himself to be closely confined to the pervasive low status of the ghetto, and in fact usually is"—while white poor persons believe that they can "rise economically and escape from the slums" (*id.*). Therefore, according to Dr. Clark, studies of urban areas or of the Negro in general do not necessarily cast light on the problems of the Negro ghetto.

[8] *Bay Area Hearing* at 53.

[9] *Gary Transcript* at 29. Others also have characterized ghettos as traps:

> The dependently poor in California tend increasingly to be trapped in their poverty, concentrated among definable groups and insulated from the rest of the community in what the analysts refer to as the "Trap Ghetto." Distinguished from the earlier immigrant ghetto of American cities by its "closed circle" character.

> it is described [as]"Growing concentrations of depressed immigrants to the city who are caught in a closed circle formed by low economic status, low educational status, low levels of employment opportunity and limited social contact. The spiral upward and outward necessarily becomes a trickling affair." California Welfare Study Commission, *Final Report* 127 (1963).

See also Advisory Commission on Intergovernmental Relations, *Metropolitan America: Challenge to Federalism,* a study submitted by the Commission to the Intergovernmental Relations Subcommittee of the Committee on Government Operations, 89th Cong., 2d Sess. 4 (1966) for a discussion of the self-reinforcing character of Negro ghettos.

[10] *Gary Transcript* at 29. George and Eunice Grier in *Equality and Beyond* 45–46 (1966) pointed out that the geographical concentration of persons who have been denied equal opportunity intensifies the effect of such denials:

> It is not easy to eliminate the accumulated ill effects of denying equal opportunity to Negroes in the areas of education and work. It is even harder to deal with such problems when their victims are so concentrated geographically that the resulting demoralization and social difficulties become self-reinforcing . . . .

[11] *Voice of the Ghetto* at 6.

[12] The hopelessness of many slum residents who are unemployed and on welfare was discussed in The California Governor's Commission on the Los Angeles Riots report, *Violence in the City—An End Or A Beginning?* 38 (1965) [*hereinafter cited as McCone Commission Report*]*:*

> Many witnesses have described to us, dramatically and we believe honestly, the overwhelming hopelessness that comes when a man's efforts to find a job come to naught. Invariably, there is despair and a deep resentment of a society which he feels has turned its back upon him. Welfare does not change this. It provides the necessities of life, but adds nothing to a man's stature, nor relieves the frustrations that grow. In short, the price for public assistance is loss of human dignity.

[13] *Bay Area Hearing* at 51.

[14] *Id.* at 41.

[15] *Bay Area Hearing* at 227.

[16] The isolation of the poor, particularly of Negro poor, was noted by the California Welfare Study Commission:

> The modern ghetto effectively cuts off its inhabitants from participation in the society around them. When it is a color ghetto as well, the cutting off is that much more severe. Since the aspirations of ghetto dwellers are, by and large, the same as those of the rest of society, they are fully conscious of having been cut off. Since their natural capacities and talents are, man for man, the same as those of the rest of society, they are bitter. It is inevitable, therefore, that a sense of alienation is bred which weakens any sense of "belonging" to the larger community. California Welfare Study Commission, *supra* note 9 at 129.

[17] *Voice of the Ghetto* at 8.

[18] Harlem Youth Opportunities Unlimited, Inc., *Youth in the Ghetto: A Study of the Consequences of Powerlessness and a Blueprint for Change* (1964) has a chapter at 313–350, entitled "Cries of Harlem," a compilation of statements by residents of that ghetto. The authors of the report summarize that chapter: "The statistical facts about Central Harlem present a picture of despair, hopelessness, and futility. These facts have been known for a long time. What the bare facts about life in Harlem fail to reveal, however, are the human anguish and sense of powerlessness that lie behind them."

[19] *Voice of the Ghetto* at 5.

[20] *Bay Area Hearing* at 469–70. The Tennessee State Advisory Committee to the U.S. Commission on Civil Rights in its report *Housing and Urban Renewal in the Nashville-Davidson County Metropolitan Area* 32 (1967) [hereinafter cited as *Tennessee Housing Report*], found that "residents of affected neighborhoods are inadequately represented on the boards or agencies authorized to alter the conditions of their neighborhoods."

In Cleveland, Rev. Younger, speaking of the "managed life of the poor", stated:

> On every hand the poor—both as individual and as neighborhood—finds his life not his own. This is true of most of us in interdependent relationships as we live, but for the poor, it comes to the point that nothing you can do can be your own. This is why, by the way, the poor refuse to move into public housing because there the director has a passkey and can come in so even their bedroom is not their own. May I say that this is true of Welfare clients too, through the inspector system and night raids. What can we do to end managed life for the poor and provide a degree of freedom? *Hearing Before the U.S. Commission on Civil Rights, Cleveland, Ohio,* April 1–7, 1966 at 635 [hereinafter cited as *Cleveland Hearing*].

[21] *Bay Area Hearing* at 470.

[22] *Cleveland Hearing* at 250.

[23] *Bay Area Hearing* at 276–77.

[24] *Id.* at 444.

[25] *Id.* at 449.

[26] *Cleveland Hearing* at 283.

[27] *Id.* at 294–95.

[28] *Cleveland Hearing* at 283. The influence of parental unemployment on children was noted in the *McCone Commission Report* at 38–39.

> Thus, a chain reaction takes place. The despair and disillusionment of the unemployed parent is passed down to the children. The example of failure is vividly present and the parent's frustration and habits become the children's. ("Go to school for what?" one youngster said to us.)

Another author described the same phenomenon more dramatically:

> The children of these disillusioned colored pioneers [migrants from the south to northern cities] inherited the total lot of their parents—the disappointments, the anger. To add to their misery, they had little hope of deliverance. For where does one run to when he's already in the promised land? Claude Brown, *Manchild in the Promised Land* viii (1965).

[29] *Cleveland Hearing* at 354.

[30] *Gary Transcript* at 74. Mary Frances Greene and Orletta Ryan in *The School Children: Growing Up in the Slums* 81 (1965) quote the comments of children in a Harlem public school on the addicts in their neighborhood:

> About ten hangs out on *my* block. My super keep them moving in our hall. We live on the first floor, my mom got a police lock on our door. But it's *scary.* They call in soft through the keyhole when my mom be out.
>
> *My* mother don't answer that door at night. She says Who's there? but don't open it. And she keeps that can of lye by the door.

In *The Challenge of Crime in a Free Society,* a Report by the President's Commission on Law Enforcement and Administration of Justice 62 (1967) [hereinafter cited as *Challenge*], the following statements about their neighborhoods were made by children who lived in slums:

> "There are a whole lot of winos who hang around back in the alley there. Men who drink and lay around there dirty, smell bad. Cook stuff maybe. Chase

> you * * *" (13 year old). "When I first started living around here it was really bad, but I have gotten used to it now. Been here 2 years. People getting shot and stuff. Lots of people getting hurt. People getting beat up * * * Gee, there's a lot of violence around here. You see it all the time * * *" (14 year old boy). "Sometime where I live at people be hitting each other, fighting next door. Then when they stop fighting then you can get some sleep * * *" (15 year old boy).

See also, essays by Harlem school children on crime in their area, in Jeremy Larner, "The New York School Crisis" in *The Urban School Crisis* 9–10 (1966).

[31] *Cleveland Hearing* at 61.

[32] *Gary Transcript* at 43–44. Similarly, in *The School Children supra* note 30 at 151, a child living in Harlem described his mother's struggle to keep up his courage:

> My mother don't have time to cook for us. Brother and me fixes somethin. But she take good care of us. Lays out my outfit every night. And when I get worryin about my life and everything she says, "*Let me do the worryin.*"

[33] *Cleveland Hearing* at 352.

[34] *Id.* at 347.

[35] *Bay Area Hearing* at 409.

# Footnotes to Chapter 2.

[1] *Gary Transcript* at 26.

[2] The condition of housing in urban areas was discussed in a report submitted to the Subcommittee on Executive Reorganization of the Committee on Governmental Operations by the Secretary of the Department of Housing and Urban Development:

> About 4 million urban families are still living in houses, which, by any reasonable standard acceptable today, fail to meet minimum requirements of decency. These are the urban homes which are dilapidated or which lack a private toilet or private bath or hot running water. Even a good house becomes substandard if too many people are crowded into it for the available facilities. There are many sections in most of our central cities where 40 percent or more of the families are denied good housing. *Federal Role in Urban Affairs,* Hearings Before the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations, 89th Cong., 2d Sess. (1966) App. to pt. 1 at 20 [hereinafter cited as *Ribicoff Subcommittee Hearings*].

Rashi Fein in an article in *Daedalus* discussed overcrowding and the lack of basic sanitary facilities in housing occupied by Negroes:

> In 1960, 14 percent of nonwhite units had over 1.5 persons per room (down from 23 percent in 1940), and 28 percent had more than one person per room (down from 40 percent in 1940). But comparable 1960 figures for white units were only 2 percent with more than 1.5 persons per room and 10 percent with more than one person per room. Already in 1940 the white child was doing his homework under less crowded conditions than our Negro child faced twenty years later. Only 7.5 percent of white households had more than 1.5 persons per room and only 18 percent had more than one person per room in 1940—

> standards considerably better than nonwhites had achieved a full two decades later.
>
> * * *
>
> But the situation is made worse by the quality of what is overcrowded. In 1960, 30 percent of housing units occupied by nonwhites lacked bathtubs or showers—a situation true for only 12 percent of all dwelling units (including vacant ones). Forty-one percent of nonwhite units had no bathrooms (or had shared ones), but this was the case in only 12 percent of all dwelling units. Sixty-five percent of nonwhite housing units had hot and cold piped water inside the structure, but 87 percent of all units did. A full one-fifth of nonwhite units had no piped water inside the structure, a situation true for only 7 percent of all units. Finally, while 90 percent of all units had flush toilets, this was true for only 75 percent of nonwhite occupied units. Rashi Fein, "An Economic and Social Profile of the Negro American," 94 *Daedalus* 836 (Fall 1965).

[3] *Voice of the Ghetto* at 16.

[4] *Cleveland Hearing* at 112.

[5] *Id.* at 115–17.

[6] *Id.* at 121.

[7] Commission staff memorandum of inspection of Cleveland Housing Division Files, Feb. 15, 1966, Commission Cleveland Hearing File.

[8] See George Sternlieb, *The Tenement Landlord,* Chapter 6, "Who Owns the Slums? A Profile" (1966), for a discussion of ownership of slum properties in Newark, N.J., based on a study conducted by the author and financed by the Federal Housing Administration. The author is Professor and Director of the Research Center in the Rutgers Graduate School of Business Administration.

[9] *Cleveland Hearing* at 29–30.

[10] *Id.* at 109. See also George and Eunice Grier, *Equality and Beyond* 32 (1966): "Historically, the restriction and concentration of racial minorities into limited neighborhoods has been a prime cause of housing blight. . . . Because exploitation flourishes wherever people are denied free choice, segregated residential patterns also tend to contribute to the exacting of excessive prices for inferior housing, and to faltering maintenance as well. This has been especially true for rental units: landlords in Negro areas have long been notorious for practicing 'slumlordism' in its most extreme forms." For the view that substandard housing conditions in slum areas initially are created by overcrowded use and lack of maintenance by landlords, see Albert C. Ettinger, "Color Differentials in Housing Conditions and Residential Patterns," 4 *Intergroup Relations* 240 (1965).

[11] *Cleveland Hearing* at 38.

[12] *Id.* at 37.

[13] *Id.* See also Sternlieb *supra* note 8, at 35–36: "Certainly one of the most harmful elements in the slums of Newark is the prevalence of vacant and/or abandoned parcels. In the course of the field study, and later interviewing, no less than sixteen out of a total of five hundred sixty-six parcels in the random sample fitted this category. They were either burnt out, boarded up, or in some cases basically vacant and open to the wind and the derelicts of the neighborhood. Each of these parcels was revisited six months after having been observed. No less than twelve were still in the same condition as had been observed initially. Each of these parcels serves as a source of contamination for the entire neighborhood.

While the city in theory has a policy of requiring that vacant parcels be cleared off the land, this is obviously far from the usual practice. In a number of cases, parcels were observed that had been vacant, according to neighbors, for upwards of three years. . . . Their effect on the human environment is most deleterious."

[14] *Cleveland Hearing* at 183–84.

[15] *Id.* at 190. Another reason for the decision to suspend code enforcement in Cleveland, according to James Friedman, Commissioner, Division of Slum Clearance and Blight Control, was "that if active code enforcement were to be carried out, this might eventually interfere with bringing about rehabilitation to standards that were higher than the code enforcement program." *Id.* at 183–84.

The Commission heard testimony in Oakland that in Richmond, Calif., the city government had actively discouraged home improvements in an area scheduled for renewal in order to lower acquisition costs. William R. Brown, who owned property in Richmond, testified:

> Well, the Hensley Tract is a neighborhood just south of North Richmond and it was occupied by all Negro people. The city of Richmond declared that [tract] about 12 years ago as a slum district scheduled for redevelopment for industrial purposes.
>
> Now, for between 9 and 10 years they did nothing about this. They refused to issue the people permits for the improvement of their homes. They discouraged them from maintaining their homes telling them "You can go and paint if you want to paint, but we may buy it next month, and we will tell you now if it costs you $300 for painting you won't get $300 back." So of course no one did much maintaining of their property. *Bay Area Hearing* at 562–63.

See also Connecticut State Advisory Committee to the U.S. Commission on Civil Rights, *Housing Codes and Their Enforcement in Six Connecuticut Cities* (1967).

[16] *Cleveland Hearing* at 195.

[17] Dean Swartzell, Regional Director of Urban Renewal for the Department of Housing and Urban Development (HUD), testified that he was unaware of the city's policy to suspend enforcement of the housing code in urban renewal areas. *Id.*

[18] The deterioration was not caused by a lack of funds. The Federal Government provided the city with more than $55 million in urban renewal funds in 1955—more money than any other city had received—yet ten years later the city had more than $40 million unexpended with nothing to show for the $15 million spent except acres of desolation. Mr. Swartzell testified that he knew that "there had been quite an input of money and the production vis-a-vis the money is bad." *Cleveland Hearing* at 196. In January, 1967—many months after this testimony had been brought to the attention of the Department of Housing and Urban Development—an application for an increase in urban renewal funds for the University-Euclid project in Cleveland was refused. Letter from Secretary Robert C. Weaver to Ralph Locher, Mayor of Cleveland, Jan. 16, 1967.

[19] *Cleveland Hearing* at 38.

[20] For example, in Cleveland all of the rental units listed by the urban renewal authorities during December, 1965, and January, 1966, were located on the east side of Cleveland in predominantly Negro areas. Nearly half the Negro families who relocated from University-Euclid moved to census tracts which were more than 90 percent Negro. Almost an equal number moved to census tracts which

were between 50 and 90 percent Negro. Only 20 percent relocated to non-Negro neighborhoods. *Cleveland Hearing* at 174–75. Justin Herman, Director of San Francisco's Redevelopment Authority, drew a similar picture of relocation in San Francisco:

> San Francisco need not be proud of its record on how it has rehoused its displaced families—four out of five of which are nonwhite. Look at the relocation map showing where these families have gone and you find the greatest concentration of them just over the borders of the project area, in the very slums that were designated as such by the Board of Supervisors as blighted—and they have not improved—a decade ago. "A Report on Urban Renewal in the United States," *The Urban Condition* 120 (Leonard J. Duhl, ed. 1963).

In January–February, 1963, the Commission's Connecticut State Advisory Committee interviewed 351 families who recently had relocated in the cities of Hartford, New Haven, Bridgeport, Norwalk and New Britain. These five cities had urban redevelopment projects in the fall of 1962 when the Committee initiated its study of family relocation. The Committee found that:

> The pattern of racial composition of neighborhoods before and after relocation changed much more for white than for Negro relocated families. Whites in fact fled from racially mixed neighborhoods into neighborhoods which were all-white or mostly white in composition. On the other hand, only a fraction of the Negro families wound up in mostly white neighborhoods, the overwhelming majority being relocated in neighborhoods having 50 percent or more Negroes. Connecticut Advisory Committee to the U.S. Commission on Civil Rights, *Report on Connecticut: Family Relocation Under Urban Renewal* 39 (July 1963).

[21] See Breslin, "Harlem's Endless Battle—The Rats Come Every Night . . .," Wash. (D.C.) Post, July 25, 1967, at A4. It was reported recently that Americans may suffer as many as 14,000 rat bites a year and lose a billion dollars annually in damage to food and goods. These figures are considered conservative by experts. N.Y. Times, July 19, 1967, at 9, col. 6 (late city ed.).

[22] *Cleveland Hearing* at 25.

[23] *Id.* at 66.

[24] *Id.*

[25] *Id.* at 137.

[26] *Id.* at 657.

[27] *Id.* at 658.

[28] *Id.* at 149.

[29] *Id.* at 695.

[30] *Id.* at 148.

[31] *Id.* at 232. "'Throughout the world, rats are the agents by which several of mankind's serious diseases are spread. Foremost among these is plague—the dread black death of the Middle Ages. Plague still exists, even in the United States to a minor extent. Other diseases that may be spread by rats include typhus fever, trichinosis and several less common infections caused by bacteria. In the United States, however, the main hazard to human health is the rat bite itself,' said Dr. Allan W. Donaldson, associate director of the Bureau of Disease Prevention and Environmental Control." N.Y. Times, July 29, 1967, at 9, col. 6 (late city ed.).

[32] Slum areas typically have not only the oldest schools, but the fewest parks, open spaces and recreational opportunities. Garbage collection service and street

paving and lights are often inferior and even the public water and sewer systems are sometimes inadequate. The merchandise in the stores tends to be lower in quality and variety and higher in price. Here most private as well as public services are inferior. Department of Housing and Urban Development, Evaluation of Department Programs and Goals, *Ribicoff Subcommittee Hearings,* App. to pt. 1 at 20.

[33] *Voice of the Ghetto* at 41.

[34] *Proceedings Before the New Jersey State Advisory Committee to the U.S. Commission on Civil Rights in Newark, New Jersey,* June 30, 1966 at 134 [hereinafter cited as *Newark Transcript*].

[35] *Voice of the Ghetto* at 41–42.

[36] *Bay Area Hearing* at 75–76. Similarly, Sternlieb quotes a Newark resident who had lived in a neighborhood in that city for over 25 years:

> "You know the neighborhood has really changed terribly since we moved in here. At first it was mostly German and Jewish, and the police in the city took care of things. No trucks parked overnight in the streets and no noise or anything like that. Now there is mostly Negro and they don't seem to come any more. . . . Many of the owners here would like to stay, but the neighborhood is run down so that most of them sell just to get away. Since Negroes have become predominant, the city has allowed things that they would not allow when I just first moved here." Sternlieb, *supra* note 8 at 231.

[37] See Committee for Economic Development, *Developing Metropolitan Transportation Policies: A Guide for Local Leadership* (1965).

[38] *McCone Commission Report* at 65. The Commission stated:

> Our investigation has brought into clear focus the fact that the inadequate and costly public transportation currently existing throughout the Los Angeles area seriously restricts the residents of the disadvantaged areas such as south central Los Angeles. This lack of adequate transportation handicaps them in seeking and holding jobs, attending schools, shopping, and in fulfilling other needs. It has had a major influence in creating a sense of isolation, with its resultant frustrations, among the residents of south central Los Angeles. . . .

The Commission found that only 14 percent of the families in Watts had cars. *Id.* at 67.

A project has been undertaken since the issuance of the *McCone Commission Report* to improve this situation. A single 13-mile bus line now links the low-income Watts area with industrial centers in the northeast area. "According to the survey [by HUD], the number of riders on the route has increased steadily from an initial weekday average of 883 to the present level of 2,642 passengers." N.Y. Times, July 7, 1967, at 37, col. 2 (city ed.).

[39] *Bay Area Hearing* at 39–40.

[40] *Id.* at 40. According to the *McCone Commission Report* at 73–74:

> [T]he number of doctors in the southeastern part of Los Angeles is grossly inadequate as compared with other parts of the city. It is reported that there are 106 physicians for some 252,000 people, whereas the county ratio is three times higher. The hospitals readily accessible to the citizens in southeastern Los Angeles are also grossly inadequate in quality and in numbers of beds. Of the eight proprietary hospitals, which have a total capacity of 454 beds, only two meet minimum standards of professional quality. The two large public hospitals, County General and Harbor General, are both distant and difficult to reach. The Commission recognizes that the motivation of patients to take advantage of the available medical facilities is an important factor in health conditions but it appears that the

> facilities in the area are not even sufficient to care for those who now seek medical attention.

See also Bureau of Labor Statistics, U.S. Department of Labor, *The Negroes in the United States: Their Economic and Social Situation* 221–24 (1966), for a statistical breakdown of health problems and lack of services among slum ghetto residents.

[41] *Bay Area Hearing* at 52. The New York City Commission on Human Rights has investigated the lack of taxi service in Negro areas of New York City. William Booth, the Commission Chairman, testified before a New York State Advisory Committee meeting in New York City:

> We have found that it's a common practice for medalion cab drivers to avoid Negro neighborhoods, and even to discriminate and not pick up Negroes on the street. . . .
>
> * * *
>
> We found the way they avoid Negro neighborhoods is using the off-duty sign. We have followed them with our batmobile from where they come over the bridge from the Bronx into Manhattan, up at 151st Street or thereabout or 141st Street, and they switch on their off-duty sign. They travel in the center of the road away from the curb and travel fast through Harlem until they get down into lower Manhattan, 70th Street or thereabout, and then they turn the off-duty sign off and start picking up passengers again. *Proceedings before the N.Y. State Advisory Committee to the U.S. Commission on Civil Rights in New York, N.Y.*, May 23, 1966 at 102–03 [hereinafter cited as *New York Transcript*].

[42] *Cleveland Hearing* at 64. "The urban poor live in surroundings where poverty, ignorance, dilapidated housing, and crowded quarters contribute to disease and ill health. Even free medical assistance may not be feasible because carfare is lacking or because of the loss of half day's pay while waiting one's turn at a crowded, often distant, clinic." Report submitted by the Department of Housing and Urban Development to *Ribicoff Subcommittee Hearings*, App. to pt. 1 at 20.

In July, 1967, the New York Times reported that a private, unfranchised bus company had begun operating two 1954 Ford school buses in the ghetto of South Jamaica, Queens, an area without convenient public transportation. According to the article, the operator of the company told a reporter that:

> . . . most of the 50,000 Negroes in the area had to walk five to ten blocks to the nearest line, and then had to change buses and pay two or three fares to get to hospitals in the area. N.Y. Times, July 26, 1967, at 22.

[43] *Cleveland Hearing* at 231.

[44] *Cleveland Hearing* at 731, 734. "In 1962 the chances were 87 in 100 that he [the Negro child] was born in a hospital. Whites, for whom the chances today are 99 in 100, reached today's Negro rate in 1946—a gap of sixteen years. In 1952 the gap was only eleven years. In 1962 the Negro was where the white had been in 1946; in 1952 the Negro was where the white had been in 1941. Thus it took the Negro ten years (from 1952 to 1962) to do what the white had done in five (from 1941 to 1946)—that is, to increase the percentage of hosptial births from 66 to 87. As a consequence the gap was widened." Fein, *supra* note 2 at 821.

[45] *Cleveland Hearing* at 730.

[46] *Id.* at 45.

[47] *Newark Transcript* at 239.

[48] *Cleveland Hearing* at 523.

[49] *Voice of the Ghetto* at 35. Professor Lee Rainwater of Washington University (St. Louis) testified before the Ribicoff Subcommittee about conditions in the all-Negro Pruitt-Igoe Housing Project in St. Louis, Mo., a project which he had studied for three years:

> St. Louis Police Department officers are as scarce in the project vicinity as are private watchmen. Residents claim that City law enforcement officers often do not bother to answer their calls.
>
> The lack of cooperation by both watchmen and city policemen is viewed by Pruitt-Igoe residents as one of the primary reasons for the breakdown of law and order in the area. Disturbances are not broken up; gambling is not halted; loitering and drinking are uninterrupted; muggings and robberies are unchecked. Numbers of unidentified persons sleep in public areas of the buildings without being disturbed.
>
> * * *
>
> . . . The common accusation of 'police brutality' or mistreatment at the hands of law officers is strangely absent from the Pruitt-Igoe tenants' complaints. Rather, police indifference to the plight of individual citizens is a common accusation; guards and public law enforcement officers ignore the calls and complaints of tenants or respond to them hours after the initial report. *Ribicoff Subcommittee Hearings*, pt. 9 at 2041.

[50] *Voice of the Ghetto* at 36.

[51] *Cleveland Hearing* at 523.

[52] *Id.* at 526. The President's Commission on Law Enforcement and Administration of Justice found that "[t]here appears to be a correlation between crime solution and the time it takes for patrol officers to respond to a call." *Challenge* at 97. The Commission stated in the Summary of its Report that there was "a relationship between the speed of response and certainty of apprehension. On the average, response to emergency calls resulting in arrest was 50 percent faster than response to emergency calls not resulting in arrests." *Id.* at vi.

[53] *Cleveland Hearing* at 527.

[54] *Id.* at 36. A research study, *Criminal Victimization in the United States: A Report of a National Survey*—submitted in 1967 by the National Opinion Research Center to the President's Commission on Law Enforcement and the Administration of Justice—found that "the fear of being outside alone at night is . . . much greater for Negroes than whites" and that "Negroes to a greater extent than whites, have stayed home rather than go somewhere considered unsafe." *Id.* at 73–74. Professor Rainwater reported to the Ribicoff Subcommittee that in his study

> . . . an elderly woman told an interviewer that she "would like to attend church much more but boys loitering in the center stairwell frighten her, and she is afraid to come home from church at night."
>
> Many residents, especially women and the elderly are virtual prisoners in their apartments once evening has come. They are afraid to leave; yet, if they remain inside, they are often disturbed by noisy groups of adolescents or children. . . . *Ribicoff Subcommittee Hearings*, pt. 9 at 2041.

[55] *Voice of the Ghetto* at 34.

[56] A survey of public attitudes toward the police conducted by the National Opinion Research Center at the request of the President's Commission on Law

Enforcement and Administration of Justice revealed that 23 percent of all white people thought that the police were doing an "excellent" job of enforcing the law, while only 15 percent of nonwhites held that view. Sixty-three percent of the whites but only 30 percent of the nonwhites thought the police were "almost all honest." Only one percent of the whites but 10 percent of the nonwhites thought the police were "almost all corrupt." *Challenge* at 99.

[57] *Voice of the Ghetto* at 34.

[58] *Cleveland Hearing* at 524. See Cleveland Plain Dealer, May 21, 1965.

[59] In *The Police and the Community: The Dynamics of Their Relationship in a Changing Society,* a Report prepared for the President's Commission on Law Enforcement and Administration of Justice by the School of Criminology of the University of California at Berkeley, a middle class Negro interviewed distinguished carefully between overt behavior on the part of police officers and their attitudes which have "negative implications":

> It's not the allegation *per se*, not the behavior or the act that the minority is particularly objecting to. It's the attitude toward them, in all of these cases. They will say, time and time again, "If he'd [the policeman] just listen and try to understand it. I could understand his position, but he won't even listen to me." And some of them put in nasty words, the officers. Nasty words, profanity, it's no different. The pattern is that it's a lack of respect and dignity and acceptance of another person. This is the whole thing in a nutshell. Vol. 1 at 87.

[60] *Cleveland Hearing* at 540.

[61] *Id*. A Negro resident of Harlem, about 33 years of age, stated:

> The white cops, they have a damn sadistic nature. They are really a sadistic type of people and we, I mean me, myself, we don't need them here in Harlem. We don't need them! They don't do the neighborhood any good. They deteriorate the neighborhood. They start more violence than any other people start. They start violence, that's right. A bunch of us could be playing some music, or dancing, which we have as an outlet for ourselves. We can't dance in the house, we don't have clubs or things like that. So we're out on the sidewalk, right on the sidewalk; we might feel like dancing, or one might want to play something on his horn. Right away here comes a cop. 'You're disturbing the peace!' No one has said anything, you understand; no one has made a complaint. Everyone is enjoying themselves. But here come one cop, and he'll want to chase everyone. And gets mad. I mean, he gets mad! We aren't mad. He comes into the neighborhood, aggravated and mad. Clark, *Dark Ghetto* 4–5 (1965).

[62] *Cleveland Hearing* at 535–36.

[63] *Id.* at 536.

[64] *Id.* at 579–80.

[65] *Id.* at 514. A study conducted by the School of Criminology of the University of California at Berkeley, *supra* note 59 Vol. 1 at 89, reported that:

> The minority community is virtually unanimous in its criticism of existing complaint procedures in the Police Department. Repeatedly the view is expressed that the police do not conscientiously and objectively listen to complaints. The dominant belief is that once a complaint is submitted "one never hears about it again." There is an attitude of "why complain?" when nothing will result.

[66] *Cleveland Hearing* at 589.

[67] *Id.* at 606.

[68] *Id.* at 589.

[69] *Id.*

# Footnotes to Chapter 3.

[1] *Gary Transcript* at 34–35.

[2] According to the Bureau of Labor Statistics: "In 1964, 37 percent of Negro families had incomes below $3,000, compared with only 15 percent of white families." Bureau of Labor Statistics, United States Department of Labor, *The Negroes in the United States: Their Economic and Social Situation* 35 (1966).

[3] *Cleveland Hearing* at 648.

[4] *Voice of the Ghetto* at 3.

[5] U.S. Dept. of Labor, *A Sharper Look at Unemployment in U.S. Cities and Slums,* March, 1967. See also "Poverty Areas of Our Major Cities," 89 *Monthly Labor Review* 1105 (1966):

> In the big cities of America, more than half the Negroes but only one-tenth of the whites live in poverty areas. By almost every measure of economic well-being available through the survey, Negroes in poverty areas were less well off than whites in the same type of area: Negroes had higher unemployment rates and less desirable jobs; they worked shorter hours; and Negro men in the central age groups had lower labor force participation rates and higher disability rates. Moreover, Negroes living in non-poverty areas were not much better off than those in poverty areas; among whites, the differences were very sharp.

[6] *A Sharper Look at Unemployment in U.S. Cities and Slums, supra* note 5. According to that report, the unemployment rate for urban slum areas was 10 percent, three times the average (3.7 percent) for the rest of the country. Even more significant, in the 8 cities surveyed, one out of three residents of the slums had a serious employment problem. This sub-employment ranged from 24.2 percent in Boston to 47.4 percent in San Antonio. The other cities were New Orleans (45.3 percent); New York-Harlem (28.6 percent); New York-E. Harlem (33.1 percent); New York-Bedford Stuyvesant (27.6 percent); Philadelphia (34.2 percent); Phoenix (41.7 percent); St. Louis (38.9 percent), and San Francisco (24.6 percent).

[7] U.S. Dept. of Labor, *Sub-Employment in the Slums of Oakland,* March, 1967.

[8] *Id.*

[9] *Bay Area Hearing* at 218.

[10] In the slum areas of all U.S. cities with more than 250,000 population the unemployment rate among nonwhite 14–19 year olds was 31 percent for boys and 46 percent for girls. *A Sharper Look at Unemployment in U.S. Cities and Slums, supra* note 5 at 1.

[11] *Sub-Employment in the Slums of Oakland, supra* note 7.

[12] U.S. Dept. of Labor, *Sub-Employment in the Slums of San Francisco,* March 1967.

[13] *Bay Area Hearing* at 458.

[14] *Id.*

[15] *Cleveland Hearing* at 632. Increasingly, low paying jobs restrict occupational mobility:

> The poor have jobs which don't lead anywhere: domestics, service, unskilled laborers, farm workers, etc. Hard work in these jobs does not pay off, since wage ceilings are low and there are few "promotions" within the same establishment. Neither, however, does hard work produce transferable skills or experience which enable the worker to change jobs and get on the promotion ladder of some other

firm. A. Haber, "The American Underclass" in *Poverty and Human Resources Abstracts*, Vol. II, No. 3 at 7 (May–June 1967).

In addition, low paying jobs are becoming more insecure. From 1953 to 1963, 1.6 million blue-collar jobs were eliminated by automation. Many were those in which there was a heavy concentration of Negroes. T. Kahn, "The Economics of Equality" in *Poverty in America* 160–161 (Ferman, Kornbluh and Haber, ed., 1965).

[16] *Bay Area Hearing* at 279. Daniel Moynihan has said:

> In America what you do is what you are: to do nothing is to be nothing; to do little is to be little. "Employment, Income, and the Ordeal of the Negro Family", 94 *Daedalus* 746 (Fall 1965).

Dr. Kenneth Clark quoted a resident of Harlem:

> No one with a mop can expect respect from a banker, or an attorney, or men who create jobs, and all you have is a mop. Are you crazy? Whoever heard of integration between a mop and a banker? *Dark Ghetto* 2 (1965).

[17] *Bay Area Hearing* at 277, 78. In *Dark Ghetto*, Dr. Clark quotes a young Negro man from Harlem:

> You know the average young person out here don't have a job, man, they don't have anything to do. They don't have any alternative, you know, but to go out there and try to make a living for themselves. Like when you come down to the Tombs down there, they're down there for robbing and breaking in. They want to know why you did it and where you live, but you have to live. You go down to the employment agency and you can't get a job. They have you waiting all day, but you can't get a job. They don't have a job for you. Yet you have to live. I'm ready to do anything anyone else is ready to do—because I want to live—I want to live. No one wants to die. I want to live. *Dark Ghetto* 1 (1965).

[18] Federally-aided welfare payments are made only to a limited category of impoverished persons: the aged, the blind, the disabled, and dependent children in needy families in which the breadwinner either is absent or incapacitated. Local municipalities and counties also have general welfare or relief programs supported entirely by local revenues. Report of the Advisory Council on Public Welfare to the Secretary of Health, Education, and Welfare, *Having the Power, We Have the Duty* 24–25 (June, 1966).

[19] This figure is based on computations by the Commission staff using figures for the number of nonwhites receiving AFDC payments in the Hough area and figures for the total nonwhite population in that area in 1964–65. In 1961, in Central Harlem, the aid-to-dependent children rate was 226.5 per 1,000 youth under 18 years of age—a rate three times as high as for the city as a whole (72.0). Harlem Youth Opportunities Unlimited, Inc., *Youth in the Ghetto: A Study of the Consequences of Powerlessness* 148 (1964).

Nationwide, "AFDC families increased from 815,000 in January 1961 to 1,069,000 in December 1965. Child recipients in these families increased from 2,406,000 to 3,358,000 and adult recipients from 712,000 to 1,099,000." "Trend in Number of AFDC Recipients, 1961–65," *Welfare in Review*, May, 1967 at 7. This article also contains a discussion of the reasons for this increase. For a discussion of State implementation of child welfare services, see "Extending Child Welfare Services," *Welfare in Review*, April 1967 at 16.

[20] Report of the Advisory Council on Public Welfare, *supra* note 18 at 18.

[21] U.S. Commission on Civil Rights, *Children in Need, A Study of a Federally Assisted Program of Aid to Needy Families with Children in Cleveland*

***and Cuyahoga County, Ohio*** 37 (1966) [hereinafter cited as ***Children in Need***]. In Cuyahoga County, "[T]he actual ADC payment for a family of four in January 1966, was 81 cents less than it was six years earlier despite the fact that the State standard increased by $23.05 during the same period. The Cuyahoga County Welfare Department estimated that between 1960 and 1966 the cost of living for welfare families in the county increased approximately 11 percent." *Id.* at 9.

[22] See *Cleveland Hearing* at 59–60 and 104–106. The *Tennessee Housing Report* at 30 found "that the Tennessee Department of Public Welfare's rates of payments to needy persons for housing have not been revised since 1956, and that no differential in payments is permitted for the higher rents in urban areas. Present rent allowances do not enable welfare recipients to obtain decent housing. Thus, welfare payments are used for rent in substandard housing." See also, E. Wood, "Social-Welfare Planning," 352 *Annals of the American Academy of Political and Social Science* 119, 123 (March 1964) ("Rental allowances of most public assistance agencies fall below the cost of standard dwellings. Most public assistance agencies have no minimum standards for the housing of their clients. . . . Under current realities of housing conditions and cost, a high percentage of welfare clients live in houses of less than standard condition. Whenever a newspaper runs a scare series on scandalous housing conditions, one may be sure that most of the tenants are welfare clients").

[23] *Cleveland Hearing* at 106.

[24] *Cleveland Hearing* at 239–54. The Advisory Council on Public Welfare concluded that:

> Public Assistance Payments to needy families and individuals fall seriously below what this Nation has proclaimed to be the "poverty level."
>
> * * *
>
> The national average provides little more than half the amount admittedly required by a family for subsistence; in some low-income States, it is less than a quarter of that amount. The low public assistance payments contribute to the perpetuation of poverty and deprivation that extends into future generations. Report of the Advisory Council on Public Welfare, *supra note* 18, at 15–16.

The Council recommended "a minimum standard for public assistance payments below which no State may fall." *Id.* at 15.

According to Wilbur J. Cohen, Under Secretary of HEW, "the average payment per child for the Nation on the whole is $35 per month per child, and $145 per month per family for the mother and her children. So, it is running not much more I would say than $1 per day per person." *Ribicoff Subcommittee Hearings* pt. 2, at 330. In *Children in Need*, the U.S. Commission on Civil Rights noted (p. 12):

> An impression can also be gained of the inadequacy of the ADC payment by comparing the gap which separates the dollar amount for food and other nonshelter items covered by the cash payment to an ADC family of four and the amount needed to reach an adequate but modest American standard of living in respect to these items. In the autumn of 1959 the U.S. Department of Labor estimated that the annual cost for food at home, for clothing, and for personal care in the city of Cleveland totaled $2,068. The average cash payment for an ADC family of four in 1960 for food, clothing, personal care, and household supplies was $69.64 per month or, on a 12-month basis, $835.80. Consequently, an ADC family of four in Cleveland received only about 41 percent of what the Department of Labor estimated was needed by a family of four to maintain an adequate but modest level of living in that city.

See also M. Orshansky, "Who's Who Among the Poor: A Demographic View of Poverty," 28 *Social Security Bulletin* 3 (July 1965), and "Counting the Poor: Another Look at the Poverty Profile," 28 *Social Security Bulletin* 3 (January 1965).

[25] *Gary Transcript* at 27–28.

[26] *Id.* at 44–45. A former welfare recipient who recently had obtained a job with a local anti-poverty program was questioned by Senator Robert Kennedy at a Ribicoff Subcommittee meeting about the attitude toward welfare of her friends who were recipients:

> They do not want to be on welfare. I have friends that are on welfare because they are sick and they cannot work, and they do not want to be on welfare. I have friends that have children ranging in numbers of five, seven, nine, 13, as many as 13, who are on welfare, who do not have a high school education, who do not have baby sitters to keep their children while they go take job training. There are a lot of reasons why they are on welfare. They do not want to be on welfare. And the people that I have been affiliated with on welfare, none of them want to be on welfare. They have nothing else. *Ribicoff Subcommittee Hearings* pt. 12 at 2619.

[27] *Gary Transcript* at 45–47.

[28] *Cleveland Hearing* at 243. In a recent report, the U.S. Commission on Civil Rights noted:

> Although the 1959 Ohio budget standard is referred to frequently as a minimum adequate standard of health and decency, it does, in fact, have certain limitations. The food component is based on a low-cost food plan developed by the U.S. Department of Agriculture in 1959. While the plan is nutritionally adequate, it is based on the assumption that the homemaker is skillful in buying food at economical prices, in choosing foods that would result in achieving nutritionally adequate meals, and in preparing the food in an attractive manner so that it would be eaten.
>
> The mothers who manage ADC families may not be able to purchase in quantity and may depend on neighborhood grocery stores which customarily sell at relatively high prices. The U.S. Department of Labor in February 1966 conducted a study of the prices charged by food stores located in low income areas and by those located in higher income areas in six large cities. Although Cleveland was not included among the cities studied, the following findings of the Labor Department are relevant . . .
>
> 1. Prices are usually higher . . . in the small independent stores which are most common in low income neighborhoods than in large independents and chain stores which predominate in the higher income areas.
>
> 2. . . . Patrons in low income area stores [tend] to purchase certain items in smaller sizes at higher unit costs than those in higher income area stores.
>
> 3. Stores located in low income areas tend to be somewhat less orderly and clean than those located in higher income areas, and meats and produce do not appear as fresh. *Children In Need* at 15–16.

[29] *Cleveland Hearing* at 240–44.

[30] *Id.* at 240.

[31] *Id.* at 243, 244.

[32] *Id.* at 242.

[33] *Id.* at 243; *Children In Need* at 14, 16.

[34] *Cleveland Hearing* at 245.

[35] *Id.* at 246.

[36] *Id.* at 250.

[37] *Id.* at 240.

[38] *Id.* at 242.

[39] *Gary Transcript* at 37–38.

[40] See, *e.g.*, Manual of the Arkansas Department of Public Welfare, §§ 2800 and 2813 (July 1966); New Jersey Department of Institutions and Agencies, Manual of Administration, Bureau of Assistance, Part II §§ 2280–81 (Jan. 1960). The Advisory Council on Public Welfare recommended the establishment of a nationwide comprehensive program of public assistance based on need alone in its Report to the Secretary in 1966. Report of the Advisory Council on Public Welfare *supra note* 18, at 23.

[41] *Cleveland Hearing* at 251.

[42] *Gary Transcript* at 138. See also California Welfare Study Commission, *Final Report* (1963). The Commission, created by the Governor and Legislature of California in 1961 to study "the whole field of public welfare laws" in California, said in its final report:

> [I]t is clear that the lack, in many areas of our state, of suitable provision for maintenance of decent living standards in the families of the unemployed has strong and direct tendencies to promote family disintegration and moral degradation. It is now the fact in California that a father who sees his children in want because he cannot find work knows that, if he deserts his family, subsistence will be forthcoming under the ANC [Aid to Needy Children] program that he cannot provide by his own efforts (pp. 55–56).

The Governor's Commission on the Los Angeles Riots found that:

> The welfare program that provides for his [Negro male] children is administered so that it injures his position as the head of his household, because aid is supplied with less restraint to a family headed by a woman, married or unmarried. Thus, the unemployed male often finds it to his family's advantage to drift away and leave the family to fend for itself. Once he goes, the family unit is broken and is seldom restored. Changes in welfare administration designed to hold together rather than break apart the family have not been wholly successful. *McCone Commission Report* at 38.

[43] *Cleveland Hearing* at 251.

[44] *Newark Transcript* at 328.

[45] *Id.* at 329.

[46] *Cleveland Hearing* at 81–82.

[47] *Gary Transcript* at 43.

[48] 42 U.S.C. § 601 (1964).

[49] *Cleveland Hearing* at 249.

[50] *Id.* at 239–48.

[51] *Voice of the Ghetto* at 31.

[52] *Gary Transcript* at 30.

[53] *Id.* at 30–31.

[54] *Cleveland Hearing* at 242.

[55] *Id* at 250.

[56] *Voice of the Ghetto* at 30.

[57] *Gary Transcript* at 40.

[58] *Id.* at 52.

[59] *Cleveland Hearing* at 245.

[60] *Id.* at 248.

[61] "In March 1966, 56 percent of all employed Negro women held service jobs; half of them were employed in private households. With moderate variations, these percentages held for the Nation, for the big cities as a whole, and for poverty areas in the cities. In contrast, the chief occupations among white women in metropolitan areas were in the clerical or semiskilled operative categories—with both higher pay and higher status." J. Wetzel and S. Holland, "Poverty Areas of Our Major Cities," 89 *Monthly Labor Review* 1107–08 (Oct. 1966).

[62] *Cleveland Hearing* at 398.

[63] *Id.* at 399.

[64] *Id.* at 400.

[65] *Id.* at 398.

[66] *Id.* at 400–401.

[67] *Id.* at 401.

[68] *Id.* at 108. An analysis of the 1960 Census shows that in Baltimore, Chicago, and Cleveland, nonwhite renters pay more but receive poorer housing than do whites. In all 17 cities examined, including Baltimore, Chicago and Cleveland, a greater percentage of nonwhite families with low to moderate incomes ($4,000–$6,999) were found to live in unsound housing than was true of whites of comparable incomes. G. Nesbitt and E. Hoeber, 61 *Land Economics* 102 (May 1965).

[69] *Newark Transcript* at 322–23. The Cleveland Citizens Committee on Hough Disturbances found that in the Hough area "local merchants charge higher prices for inferior quality merchandise. Landlords charge exorbitant rates for dilapidated, unsanitary dwellings. Because of transportation limitations, neighborhood residents are unable to do the kind of comparison shopping that most people take for granted. Slum residents are deeply aware of these inequities and feel a sense of bitterness and resentment toward the business, civic and political leadership that allows such conditions to flourish. The pattern of destruction on Hough Avenue seems to be a tangible expression of these feelings of exploitation." *Ribicoff Subcommittee Hearings,* pt. 4, at 1042.

[70] *Gary Transcript* at 36.

[71] *Id.* at 55.

[72] *Cleveland Hearing* at 253.

[73] *Id.*

[74] *Bay Area Hearing* at 76.

[75] The riots have aggravated the situation. After the recent riots in Newark and Detroit the Wall Street Journal reported:

> It is widely reported that property-casualty insurance rates in the Central Ward [Newark] are already four times as high as those prevailing in the 'safe' suburbs; any further sizable boosts would certainly make doing business in the Central Ward prohibitively expensive for some tradesmen.
>
> This is precisely what has happened in Watts, according to Wesley Doyle, a chairman of the Chamber of Commerce there. Besides continuing fear of more trouble, extreme difficulty in getting adequate insurance

at reasonable rates has made businessmen reluctant to open—or reopen—shops there, he claims.

Rates in Watts are now running about 2½ times what they were before the rioting there, . . .

. . . Mr. Doyle says that rates in Watts were always higher than in other areas of the city and that insurance in Watts now costs five times as much as in 'safe' locations.

Moreover, he claims that some policies available at sky-high rates can be canceled at a moment's notice. "This means," says Mr. Doyle, "that if a disturbance starts Sunday night and looks as if it might grow into something big, a man's insurance might be cut off on Monday. And if he goes up in flames Monday night, he's out of luck." Wall Street Journal, July 28, 1967, at 18.

Getting insurance on new buildings will also be a big hurdle [to rebuilding Detroit], no matter how much financing is available. "Not too many businesses around here have fire insurance. It's too high," because of the high-crime rate, says Ed Brazelton, operator of a florist shop on 12th Street near where the trouble began. Insurance companies are expected to be even more reluctant now. Without insurance, the SBA [Small Business Administration] and local lenders won't get into these areas, bankers here say. Neither will the Federal Housing Administration, which requires fire insurance on home loans. *Id.* at 5.

[76] *Cleveland Hearing* at 122.

[77] *Id.* at 34.

[78] *Id.* at 33.

[79] *Id.* at 43–44.

[80] *Id.* at 34.

[81] *Id.* at 35.

[82] *Bay Area Hearing* at 215–16.

# Footnotes to Chapter 4.

[1] *Cleveland Hearing* at 632.

[2] The 1967 Annual Report of the President's Council of Economic Advisers stated:

> Many individuals with serious unemployment problems suffer personal disadvantages which make it difficult for them to get or hold jobs even in a tight labor market. Special studies of the unemployed in ghetto areas indicate that many of the long-term unemployed are functionally illiterate. *Economic Report of the President* (together with the *Annual Report of the Council of Economic Advisers*) 107 (1967).

[3] *Cleveland Hearing* at 316. The HARYOU study found that in 1959, 53 percent of the students in academic high schools and 61 percent of those in vocational schools in Central Harlem dropped out without receiving a diploma. "A lower drop-out rate is revealed by a study of school drop-outs [during the 1960–61 academic year] in Manhattan conducted by the New York State Division of Youth. This study shows that "approximately 41 percent of the pupils entering high school from Central Harlem drop out before receiving a diploma." Many students never reach high school: "The New York State study also indicated that

during [1960–61] about 3.8 percent of the pupils in junior high school dropped out." Harlem Youth Opportunities Unlimited, Inc., *Youth in the Ghetto: A Study of the Consequences of Powerlessness and a Blueprint for Change* 181–82 (1964) [hereinafter cited as *Youth in the Ghetto*]. Johnie Scott, a 20-year-old Negro member of Budd Schulberg's writing workshop in Watts, described the attrition of his public school class in Watts:

> There were 550 kids in my graduating class at Edwin Markham Junior High School. Three days later we registered at Jordan Senior High. There were 250 of us; 300 were already gone. Three years later we were seniors at Jordan. With but twenty weeks remaining before high school graduation there were 107 of us. . . . According to the counselors, who confided to our advanced composition class only a few days before graduation, the average grade point of the Jordan graduate in my class was 1.8 (D-minus), and his reading level was 6.0 (sixth grade). "My Home is Watts," *Harper's*, vol. 233, October 1966, at 47.

There were 1,426,538 persons of Spanish surname in the State of California in 1960. More than half of the Spanish surname men and almost half of the women 14 years old and over had not gone beyond the eighth grade in school, and no schooling at all was reported for 8.3 percent of the Spanish surname men and 6.3 percent of the women. Department of Industrial Relations, Division of Fair Employment Practices, *Californians of Spanish Surname* 5, 6 (May 1964).

[4] U.S. Commission on Civil Rights, *Racial Isolation in the Public Schools* 74 (1967) [hereinafter cited as *Racial Isolation in the Public Schools*]. In 1965, the U.S. Army administered to all inductees tests which reflected both the individual's level of educational attainment and the quality of his education. While 14.7 percent of all whites failed, 59.6 percent of all Negroes failed. Office of the Surgeon General, Department of Army, 21 *Supplement to Health of the Army* 2,3 (1966).

[5] *New York Transcript* at 272. Other observers have come to the same conclusion. See *The Negro Labor Market in Chicago: 1966—Conditions in Employment and Manpower Training* 10 (1967).

[6] *Voice of the Ghetto* at 21.

[7] *Id.* at 24. In its recent study, *Racial Isolation in the Public Schools* at 92, the Commission found that Negro students generally are more likely to be in overcrowded schools than white students. See also a report prepared by the Office of Education, Coleman et al, *Equality of Educational Opportunity* 70, Table 2.21.4 (1966) [hereinafter cited as the *Coleman Report*]. According to *Hobson v. Hansen*, 269 F. Supp. 401, 433 (D.D.C. 1967), in the District of Columbia, 26 predominantly Negro schools (85–100 percent) operated at at least 120 percent of capacity in 1965–66. No school which was less than 15 percent Negro operated in excess of capacity and only one of the schools between 15 to 33 percent Negro operated over capacity.

[8] *Cleveland Hearing* at 297. The *Coleman Report* shows that Negro students are less likely than white students to attend schools which offer advanced courses in subjects such as science and language and which have science laboratories. *Coleman Report* at 73, Table 2.21.8. See also *Racial Isolation in the Public Schools* at 92–94.

In *Hobson v. Hansen, supra,* the court found that while all predominantly white elementary schools in Washington, D.C. had libraries, only 47 percent of the predominantly Negro elementary schools in slum areas did. 269 F. Supp. at 433.

[9] *Cleveland Hearing* at 289.

[10] *Id.*

[11] *Id.* In the course of its study of crime in the United States, the President's Commission on Law Enforcement and the Administration of Justice found it necessary to examine the problems of education in the slums, since those problems were found to have a strong impact upon juvenile delinquency. After discussing some of those problems, the Commission continued:

> These problems are further reinforced by the lack of relationship between the instructional material usually provided by slum schools and the social, economic, and political conditons of living in the slums. To the youngster, the instruction seems light years away from the circumstances and facts of life that surround him every day. The following comments of a former delinquent are illuminating: "It wasn't interesting to me, I liked the science books but I didn't dig that other stuff Dick and Jane went up the hill to fetch a pail of water and all that crap. Mary had a little lamb. Spot jumped over the fence. * * * I say, ain't this the cutest little story. And I took the book one day and shoved it straight back to the teacher and said I ain't going to read that stuff."

The President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Juvenile Delinquency and Youth Crime* 50 (1967).

[12] *Proceedings Before the California State Advisory Committee in Los Angeles, Calif.* June 8, 1967 at 273, 277 [hereinafter cited as *Los Angeles Transcript*].

[13] *Hearing Before the U.S. Commission on Civil Rights in Boston, Massachusetts* Oct. 4–5, 1966 at 26, 27, 29 [hereinafter cited as *Boston Hearing*]. Negro students nationally are more likely than white students to have teachers who are dissatisfied with their school assignments as well as teachers with low verbal achievement. *Racial Isolation in the Public Schools* at 93–94. See *Coleman Report* at 156, Table 2.34.8. In *Hobson v. Hansen, supra note 7,* at 434–36 the court found that the faculties in the predominantly white schools were much more experienced; a proportionally higher number of temporary teachers were on faculties of predominantly Negro schools.

See also Massachusetts State Advisory Committee to the U.S. Commission on Civil Rights, *Report on Racial Imbalance in the Boston Public Schools* (January 1965), and National Education Association, Commission on Professional Rights and Responsibilities, *Baltimore, Maryland: Change and Contrast—The Children and the Public Schools* (May 1967).

[14] *Hearing Before the U.S. Commission on Civil Rights, Rochester, New York* Sept. 16–17, 1966 at 17–18 [hereinafter cited as *Rochester Hearing*].

[15] *Voice of the Ghetto* at 23.

[16] *Rochester Hearing* at 233–34.

[17] *Id.* at 63.

[18] *Boston Hearing* at 65.

[19] *Cleveland Hearing* at 314.

[20] *Racial Isolation in the Public Schools* at 84–87. According to the *Coleman Report* the average Negro pupil has fewer classmates whose mothers graduated from high school; his classmates more frequently are members of large rather than small families; they are less often enrolled in college preparatory curricula; and they have more often the other characteristics of low income families, such as no father in the home. *Coleman Report* at 18–20, Tables 7 and 8. The *Coleman Report* at 22 concludes:

> Finally, it appears that a pupil's achievement is strongly related to the educational backgrounds and aspirations of the other students in the school. Only crude

> measures of these variables were used (principally the proportion of pupils with encyclopedias in the home and the proportion planning to go to college). Analysis indicates, however, that children from a given family background, when put in schools of different social composition, will achieve at quite different levels.

This conclusion is discussed in detail at pages 302–12 of the *Coleman Report.*

[21] *Boston Hearing* at 66.

[22] *Rochester Hearing* at 208. John H. Fischer, President of Teachers College at Columbia University, has written:

> [A] school enrolling largely Negro students is almost universally considered of lower status and less desirable than one attended wholly or mainly by white students. Regardless of the quality of the building, the competence of the staff, or the size of classes, a school composed of three-fourths Negro children and one-fourth white children is viewed by members of both races, virtually without exception, as inferior to one in which the proportions are reversed. Whether all such appraisals are valid remains, at least for the time being, beside the point. So often are "Negro" schools inferior and so long have Negro students been assigned to hand-me-downs that unhappy memories and generalized impressions must be expected to persist despite the occasional presence of really good schools in Negro neighborhoods. "Race and Reconciliation: The Role of the School," 95 *Daedalus* 26 (Winter 1966).

[23] *Cleveland Hearing* at 307–08.

[24] *Id.* at 282.

[25] *Rochester Hearing* at 62.

[26] *Cleveland Hearing* at 308.

[27] *Id.*

[28] *Id.* at 282.

[29] *Id.* The President's Commission on Law Enforcement and the Administration of Justice reported that:

> The deficiencies of the slum school are further aggravated by a widespread belief that the intellectual capability of most slum children is too limited to allow much education. As a result standards are lowered to meet the level the child is assumed to occupy. Frequently the chance to stimulate latent curiosity and excitement about learning is irretrievably lost, and the self-fulfilling prophecy of apathy and failure comes true. *The Challenge of Crime in a Free Society* 70 (1967).

[30] *Boston Hearing* at 62.

[31] *Id.* at 63–64.

[32] *Id.* at 64.

[33] *Voice of the Ghetto* at 26.

[34] *Id.* at 22.

[35] *Rochester Hearing* at 21. The HARYOU Report agreed that this is a major problem:

> Much angry comment has resulted from the practice of guidance counselors advising Negro students not to prepare for jobs where employment opportunities for Negroes are limited. More often the counselor follows this practice in the belief that the best interests of the youth are being protected. So the reasoning goes, it is far better to steer the youngster toward those occupations in which he can find employment, even if his potentials are far greater, than to encourage him to pursue a career which is likely to end in bitter frustration and in not finding work at all. The priority here placed upon adjustment produces Negro youngsters unprepared to take advantage of jobs newly opened to Negroes. *Youth in the Ghetto* at 269.

[36] *Racial Isolation in the Public Schools* at 100–14.

[37] *Id.* at 114.

[38] 42 U.S.C. §§ 2571–2620 (1964).

[39] The Manpower Development and Training programs are the most important Federal training programs. Until 1966, MDTA programs were aimed primarily at technological unemployment rather than hard core unemployment. "In calendar year 1966, 230,000 persons [of all races] were enrolled; and since its inception in 1962 the MDTA program has provided [training] opportunities for 613,000 persons. But the 230,000 persons affected by the program in 1966 constituted only a small fraction (about 6 percent) of the total number of unemployed persons (approximately 3 million) plus the estimated one-half to one million *potential* workers who were not even counted as unemployed. Much more remains to be done." *Report of the Joint Economic Committee on the January 1967 Economic Report of the President*, S. Rep. No. 73, 90th Cong., 1st Sess. 28 (1967). Other efforts by the Federal Government to provide training and retraining opportunities include the Job Corps, the Neighborhood Youth Corps, Work Experience, Adult Work Program, and the Special Impact Program. These programs enrolled 360,000 disadvantaged youth in training through 1966. *Id.*

The Joint Committee reported that its Subcommittee on Economic Progress had found that "[d]espite a projected doubling by 1970 of the number of persons to be trained annually under the MDTA, these [training] programs will provide for considerably less than one percent of the labor force." *Id.* at 29. According to the Subcommittee, only a major increase in public and private training efforts to reach the hard-core unemployed will meet the nation's need for a "high employment economy." *Id.*

[40] *Cleveland Hearing* at 404–08.

[41] *Id.* at 405–06. The *McCone Commission Report* found that in training programs generally, including those under MDTA:

> . . . there is an apparent lack of coordination between many of the training programs and the job opportunities. All too often a youth in the South Central area goes through training, acquires the necessary skill to fill a job only to find that no job awaits him. The results are disastrous. ("Train for what?" he says to his friends.) *McCone Commission Report* at 43.

[42] *New York Transcript* at 293–94.

[43] *Cleveland Hearing* at 411.

[44] *Id.* at 412. Sidney Ingerman and George Strauss have concluded that:

> Many of the same problems of inadequate teaching staff, limited facilities, and equipment that does not reflect current production practices that we find in regular vocational schools are present in MDTA institutional training. "Preparing Underprivileged Negro Youths for Jobs," *Poverty and Human Resources Abstracts*, Vol. 2, No. 4, at 11 (July–August 1967).

[45] *Voice of the Ghetto* at 31.

[46] *Cleveland Hearing* at 421–22.

[47] *Id.* at 427–28.

[48] *Id.* 428.

[49] *Id.* at 428–30.

[50] *New York Transcript* at 293–94.

[51] *Voice of the Ghetto* at 10. The *McCone Commission Report* at 42 found that:

> Programs under this act [MDTA] have established high entrance requirements and are primarily conducted in the classroom. Thus, training under the act skims the cream of the unemployed, and unfortunately it seldom includes the most disadvantaged.

More than half of the MDTA trainees in 1963 were high school graduates. *Manpower Report of the President* at 253, Table F-3. (1964).

In 1964, only some 80,000 persons were trained under MDTA. There is some evidence that they were the "cream" of the unemployed, i.e. more educated and younger. Becker, Haber and Levitan, *Programs to Aid the Unemployed in the 1960's* 27–28 (1965). In 1965, the Act was amended to provide for special projects to meet the employment problems of disadvantaged youth, displaced older workers, members of minority groups and other "similar" groups. 42 U.S.C.A. § 2572(6) as amended (Supp. 1966). In 1966 the program was reoriented administratively to put greater emphasis on training the disadvantaged, who represented a little more than two-fifths of the persons enrolled in MDTA programs in 1965 and 1966. *Manpower Report of the President* 97 (1967). In 1967, some 250,000 persons are scheduled to be trained, 65 percent of whom, it is expected, will be "the hard-core unemployed." *Id.* at 51.

[52] *Voice of the Ghetto* at 11–12.

[53] *New York Transcript* at 272. An example of how meaningful employment can be provided to MDTA graduates was described in Cleveland by Roy Berichon, training supervisor at Thompson-Ramo-Woolridge, a company that employs a number of graduates. The company attributes its success in retaining and upgrading MDTA graduates to the fact that it provides a 90 day training period to these employees when they are hired in addition to training they received under MDTA. *Cleveland Hearing* at 438–43.

Another example of a program that attempts to place unskilled persons in meaningful jobs which in some cases may lead to professional positions is the "New Careers Program" which combines work and training in semi-professional categories such as teachers' aides, nurses' aides, etc. See *Bay Area Hearing* 528–48. See also the *Manpower Report of the President* 57 (1967).

[54] *Cleveland Hearing* at 633. Ingerman and Strauss state:

> Because unions can delay the inception of training programs in a local area under their jurisdiction (where they believe there is an adequate supply of workers), there are few youth programs in or related to apprenticeable trades. In general, training for jobs in organized *high paying* occupations is restricted. "Preparing Underprivileged Negro Youths for Jobs," *Poverty and Human Resources Abstracts*, Vol. 2, No. 4, at 10–11 (July–August 1967). (Emphasis added).

The authors, although concluding that the successes of MDTA "have been substantial," also cite the following additional problems:

> Although the Government has ambitious plans to extend OJT [On-the-Job Training], its present scope is primarily confined to upgrading those already employed, or, in the case of construction workers, those who belong to a unionized craft but are temporarily out of work.
>
> To receive a regular MDTA allowance, an unemployed worker must have had two years work experience. Unemployed youth, age 17 to 21, who do not qualify for the regular allowance receive a maximum of $20 a week (and then they must have been out of work a year). This is hardly enough to provide much motivation for youths who have little interest in school.

> Though "skills centers" have been established in many cities to meet the needs of unemployed Negroes (and other disadvantaged groups), these centers often give little attention to the problems of youthful dropouts. On the other hand, when special youth projects are set up under agencies such as the Office of Economic Opportunity, these centers have problems in acquiring MDTA training slots. *Id.*

[55] The number of apprentices active in apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, in 1964 was 170,474. Of these, 59,491 were new registrants. Many programs are not registered with the Bureau of Apprenticeship and Training. The most recent survey (1963) of unregistered apprenticeship programs estimated that more than 232,000 workers were taking apprenticeship training in unregistered programs. F. Ray Marshall and Vernon M. Briggs, Jr., *The Negro and Apprenticeship* 20–21 (1967) [hereinafter cited as *Marshall and Briggs*].

[56] "[T]he available evidence for the country and for particular areas demonstrates that, with recent exceptions, there have been very few Negro apprentices in the United States. The U.S. Census Bureau reported that Negroes constituted 1.90 per cent of apprentices in the labor force in 1950 and 2.52 per cent in 1960. . . . According to the census figures, there were 2,190 Negro apprentices in 1950 and 2,191 in 1960.

. . . the only apprenticeship classifications in which Negroes even approximated their proportion of the total work force in 1960 (10.6 per cent) were the building trades not elsewhere classified. Within the building trades, Negroes have been concentrated primarily in the laborers' jobs and in the so-called trowel (cement masons, plasterers, and bricklayers) and the carpentry trades." *Marshall and Briggs* at 26–28, citing data from "Occupational Characteristics" in U.S. Bureau of the Census. *U.S. Census of Population, 1950,* Vol. IV, Pt. 1, Chap. B and "Occupational Characteristics", in U.S. Bureau of Census, *U.S. Census of Population,* 1960, p. 26.

[57] *Voice of the Ghetto* at 22.

[58] U.S. Bureau of the Census, *Current Population Reports: Special Census of Cleveland, Ohio,* April 1, 1965, Series P–28, No. 1390.

[59] *Cleveland Hearing* at 454.

[60] *Id.* at 455.

[61] *Id.* at 788.

[62] *Id.*

[63] *Id.*

[64] *Id.* The Electrical Workers Union had a total membership of 1,500 members including 240 apprentices. Four of the members were Negro: two journeymen and two apprentices. The Sheet Metal Workers Union had 1,190 members; 45 were Negroes. These Negro journeymen were working for companies manufacturing sheet metal products at the time the companies were unionized; thus, through shop unionization, these Negroes were able to gain entry into the union. All of the Negro members were employed in factories and were not found on any construction jobs. The union had 68 apprentices, all white. *Id.*

[65] Report to the U.S. Commission on Civil Rights by the California Department of Employment, *Bay Area Hearing,* Exhibit No. 17.

[66] Information concerning the racial composition of unions and of apprenticeship training programs in the Bay Area is not readily available. The California Division of Apprenticeship Standards made a survey of apprenticeship training

programs in 1964 but did not release it until 1966, when State Senator Dymally asked for it. The Commission has not been able to get more up-to-date information from the Division.

F. Ray Marshall and Vernon M. Briggs, Jr., in a report entitled *Negro Participation in Apprenticeship Programs,* prepared under contract with the U.S. Department of Labor and later published as a book (see *supra* note 55) noted the difficulty in obtaining apprenticeship information in San Francisco.

> In no city has information been more difficult to gather. The impasse, however, is by no means limited to our study. It is denied, it seems, to all. The . . . State Division of Apprenticeship Standards . . . guards the information it has like a selfish child with his toys (p. 303).

Although since its formation the Equal Employment Opportunity Commission has had authority to require unions to keep records and submit reports, it was not until July 20, 1967 that the Commission exercised this authority. On that date, all local unions and Joint Apprenticeship Programs covered by the regulation were required to keep records of applicants, admissions and referrals by race as of Aug. 1, 1967. Joint Apprenticeship Programs were required to file their forms containing the information thus recorded by Sept. 30, 1967, and annually thereafter. Unions were required to file similar forms by Nov. 30, 1967, and annually thereafter. 32 Fed. Reg. 10650.

[67] *Bay Area Hearing* at 313–14.

[68] *Id.* at 327.

[69] *Voice of the Ghetto* at 12.

[70] *Cleveland Hearing* at 457, 460, 470, 472; *Bay Area Hearing* at 338. In *Lefkowitz v. Farrell,* 9 Race Rel. L. Rep. 393 (1964) a sheet metal workers' union was ordered by the then New York State Commission Against Discrimination to end its nepotic apprentice selection system. One ground of the Commission's decision was that previous racial discrimination had prevented Negroes from becoming members of the local and the nepotic practices perpetuated such discrimination. See for a discussion of *Lefkowitz,* Michael I. Sovern, *Legal Restraints on Racial Discrimination in Employment,* ch. 7 (1966).

[71] *Cleveland Hearing* at 470.

[72] *Bay Area Hearing* at 338. In 1964, Mr. Mazzola wrote in a union publication:

> Civil War General Arthur McArthur [sic] saw to it that his son, the late General Douglas McArthur [sic], got into West Point, likewise ex-President Eisenhower, a West Pointer, saw to it that his son got there too. . . . And yet, when a craftsman wants to do the same thing and help his son, he gets the business. . . . What really bugs me about this beefing against the father-son tradition, in the building trades, is the fact that because of this tradition, the skill developed by craftsmen was passed down through the years, all, of course, to the great benefit of the country.

"Memo to the Members," *Pipe Lines* (Publication of Plumber's Union Local 38, San Francisco), April 1964 at 1, as cited by Strauss and Ingerman, "Public Policy and Discrimination in Apprenticeship," 16 *Hastings L. Rev.* 285, 304–05 (1965).

See also Assembly Interim Committee on Industrial Relations [of the California Legislature] 1965–67, *Apprenticeship Training, Staff Report* 13 (1966) [hereinafter cited as *Dymally Report*].

[73] *Cleveland Hearing* at 444–45.

[74] *Id.* at 450.

[75] In 1966, the Commission's Michigan State Advisory Committee reported to the Commission that:

> [L]ittle effort has been made to publicize apprenticeship openings when they have been available. One officer of a joint apprenticeship committee said that he knew of no instance where his committee had received an application from a Negro. When asked how a Negro would know about an opening he answered, "We tell the Michigan ESC [Employment Security Commission] and the Board of Education about it and we leave the dissemination of information to them." Michigan State Advisory Committee to the United States Commission on Civil Rights, *Report on Michigan: Employment Problems of Nonwhite Youth* 15 (1966).

[76] *Cleveland Hearing* at 457. Similarly, in San Francisco neither the Plumbers Union nor members of the Alameda Building and Construction Trades Council—an association of unions in the Bay Area—are engaged in any affirmative efforts to increase minority membership in the Bay Area, although the Operating Engineers has a preapprenticeship training proposal presently under consideration by the Department of Labor. *Bay Area Hearing* at 330, 319, 309–10. Mr. Childers, business representative of the Council, explained why the craft unions were not seeking new members:

> We don't have any jobs. Why do we want to attract people to non-existent jobs, you know? *Id.* at 319.

Mr. Mazzola of the Plumbers, echoed this statement. For the last year and a half the plumbers have not admitted any apprentices. He indicated that his union had a large, dissatisfied unemployed membership and that his primary responsibility was to the union. *Id.* at 328.

Testifying at Senate Hearings on the War on Poverty, Thomas Policastro, President of the Rhode Island AFL-CIO, stated that opening up craft unions to Negroes was "undoubtedly one of the most difficult jobs our labor movement finds itself confronted with. . . . Many people forget, of course, that for many years the people who worked in the building trades were the victims of unemployment, were the victims of no job security. Now that they have this job security, now that they have the steady employment, they are guarding it rather jealously. And I think it goes without saying in some respects more jealously than they should be." *Hearings Before the Subcommittee on Employment, Manpower and Poverty of the Committee on Labor and Public Welfare,* 90th Cong., 1st Sess., Part 5, p. 1661.

[77] In 1941, President Roosevelt issued an Executive Order calling for nondiscrimination in employment in defense industries. Executive Order No. 8802, 6 Fed. Reg. 3109 (1941). He subsequently extended this policy to all contracting agencies of government, Executive Order No. 9001, 6 Fed. Reg. 6787 (1941), Executive Order No. 9346, 8 Fed. Reg. 7183 (1943), and made it clear that this policy was mandatory. Letter to the Attorney General, 8 Fed. Reg. 15419 (1943). Succeeding Presidents also issued Executive Orders reaffirming and strengthening this policy of nondiscrimination in government contract employment. President Truman, Executive Order No. 10308, 16 Fed. Reg. 12303 (1951); President Eisenhower, Executive Order No. 10557, 19 Fed. Reg. 5655 (1954); President Kennedy, Executive Order No. 10925, 26 Fed. Reg. 1977 (1961). Executive Order No. 11114, 28 Fed. Reg. 6485 (1963) made the non-discrimination requirement applicable to federally assisted construction contracts, which had not previ-

ously been covered. The policy is currently in force in Executive Order No. 11246, 30 Fed. Reg. 1231 (1965). Implementing regulations are contained in 41 C.F.R., Ch. 60. For a description of the earlier Executive Orders see Paul H. Norgren and Samuel E. Hill, *Toward Fair Employment* ch. 7 "Presidential Fair Employment Committees—1941–1963" (1964).

[78] Contractors must agree to the following provision:

> The contractor will not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. . . . 41 C.F.R. § 60–1.3(b)(1).

[79] Section 209 of Executive Order 11246 provides for a variety of sanctions in the event of non-compliance with the contractual provisions executed pursuant to the Order. These sanctions include requesting the Department of Justice to bring injunctive proceedings to enforce the contract; recommending that the Department bring a suit based on unlawful discrimination in employment in violation of Title VII of the Civil Rights Act of 1964; cancelling or suspending existing contracts; rendering the contractor ineligible for future contracts, and conditioning maintenance of existing contracts or eligibility for future contracts upon a program of future compliance.

[80] For the purpose of referral, the union maintains out-of-work lists for each craft. Typically, if the union is unable to furnish qualified workmen within 48 hours, the contractor may secure workmen from any other source. See e.g. the agreement between Local 38, Plumbers and Pipefitters and the Associated Plumbing, Heating and Cooling Contractors of San Francisco, summarized in *Local Union 38 and Havill,* NLRB No. 20–CB–1297 (1966). This agreement puts workers into three groups for purposes of determining priority of referral. Group I (first priority) consists of workmen employed by a contractor member of the association for over 1200 hours during the past 2 years; Group II (second priority) of workmen employed over 1200 hours in the Bay Area during the past two years; and Group III (third priority) of all other journeymen.

This agreement is based on Section 8(f) of the Labor Management Relations Act, 49 Stat. 452, as amended, 29 U.S.C. 158(f) (1964), which permits construction union hiring halls to accord a preference to workers based on their length of service with an employer, in the industry or in the geographical area. Before 1959, when the "length of service" requirement was legalized by the Landrum-Griffin Act, the practice of "closed shops" was prevalent in the construction industry. Apruzzese, "Prehire and the Local Building Contractor," 48 *Geo. L.J.* 387 (1959). Together with widespread racial discrimination, that practice made it impossible for Negro craftsmen to build up any length of service. The collective bargaining agreements made since 1959 "froze" Negro workers in the disadvantageous position to which they were relegated by discrimination. Since white workers obtained a preference based on length of service, Negroes never could catch up with them so as to accumulate enough experience. Thus, Federal law itself perpetuates the effects of prior union discrimination.

[81] Federal law prohibits discrimination against non-union members in hiring hall referrals. 29 U.S.C. 158(b)(2); *NLRB* v. *Mountain Pacific Chapter of Associated General Contractors, Inc.*, 270 F.2d 425 (9th Cir. 1959).

[82] In *Local Union 38 and Havill,* NLRB No. 20–CB–1297 (1966), the National Labor Relations Board found that a Bay Area local of the Plumbers Union (whose business manager, Joseph Mazzola, testified at the Commission's hearing) had discriminated in referral against a non-union plumber because of the latter's lack of membership. The union refused to refer the non-member for a job, although no competent union plumbers were available, and it forced the employer of the non-union plumber to fire him.

[83] Raymond Dones, a Negro electrician in the Bay Area, testified that minority workers who are not union members usually are put last on the list of men to be referred out. *Bay Area Hearing* at 354.

[84] *Id.* at 287–89, 302.

[85] Based on BART *Ethnic Count of On-Site Workforce,* conducted between May 12–18, 1967, submitted May 25, 1967, *Bay Area Hearing,* Exhibit No. 42.

Among the total workforce of 1,391 in the eight job categories surveyed, there were 309 Negro employees; 243 of them were employed as laborers.

The affirmative action program requires that each contractor and subcontractor, before the award of the contract, shall submit a program of affirmative action to provide equal opportunity based on the following 9 points: (1) cooperation with unions to provide equal opportunity; (2) participation in joint apprenticeship committees to achieve equal opportunity; (3) sponsorship of minority group persons who should be sought out for pre-apprenticeship training; (4) assistance to minority-group youths in entering apprenticeship programs; (5) upgrading of minority group workers; (6) seeking out minority group referrals of applicants; (7) ensuring that all recruiting activities are carried out on a nondiscriminatory basis; (8) publicizing equal opportunity policies to subcontractors, employees, and referral sources; (9) encouragement of bidding by minority group subcontractors. Memorandum and attachment from Edward C. Sylvester, Jr., Director, Office of Federal Contract Compliance, U.S. Department of Labor, to Heads of all Agencies, Dec. 22, 1966; Memorandum from Edward C. Sylvester, Jr., Director, Office of Federal Contract Compliance, U.S. Department of Labor, to Heads of Agencies, Feb. 6, 1967.

The 9-point program is unusually vague. Although it theoretically is "result-oriented," no results in terms of employment of either apprentices or journeymen are specified. The contractor promises to use his "best efforts" in a variety of directions, and, in the absence of total inaction, it is difficult to see how he could be found in noncompliance, even if none of his efforts are successful.

The weakness is illustrated by the affirmative action program submitted to BART on March 2, 1967 by Kiewit-Traynor, a subcontractor, as part of its pre-award conference (a $12,739,618 contract was awarded to the company on March 9, 1967). At no point does Kiewit-Traynor pledge that it will hire minority journeymen or apprentices. It does not even pledge that the company will sponsor minority persons for pre-apprenticeship training or that it will seek out minority referrals, as required by the OFCC Dec. 22, 1966 Memorandum (*supra*). Instead, the Kiewit Program is based largely on the initiation of requests to unions and joint apprenticeship committees to expand opportunities for minority persons (Items (2) (3) (4) and (5) of the Kiewit agreement). Since all that is promised is to contact unions and to remind them of their obligations, it is difficult to see how the government ever can find non-compliance by Kiewit, even if no results whatsoever are achieved by these contacts. See Affirmative Action Program, Kiewit-Traynor, Joint Venture, copy in Commission's Bay Area Hearing File.

[86] *Bay Area Hearing* at 292, 299.

[87] *Id.* at 298–99.

[88] *Id.* at 341.

[89] *Id.* at 344.

[90] *Id.* at 345.

[91] Al Clem of the Operating Engineers stated that his union would insist that the contractor pay the top man on the out-of-work list. *Bay Area Hearing* at 309. Lamar Childers and Joseph Mazzola, representing the Alameda Building and Construction Trades Council and the Plumbers and Pipefitters, respectively, testified that the union might strike or walk off. *Id.* at 321, 330.

[92] *Id.* at 351.

[93] *Id.* at 360.

[94] *Id.* at 365.

[95] *Id.* at 363. The *Dymally Report* recommended that:

> . . . *official sanctions, including the withholding or cancellation of government contracts*, be directed with greater force and frequency against those firms and/or unions which continue to discriminate or refuse to provide the necessary information on their apprenticeship programs. *These sanctions should be adopted at* federal, state, and particularly *local levels*, and should be far stronger in effect than the mere deregistration of discriminatory programs. The state Fair Employment Practices Commission and county and city human rights commissions should be authorized to prescribe procedures for securing contract compliances (emphasis in original). (Letter of Transmittal of Staff to Chairman Dymally).

[96] The power to suspend the award of contracts was first used in Cleveland in Spring, 1967. As of July, 1967, three general contractors working on 6 projects had agreed to minority representation in each job category, presumably with the agreement of local unions who suffered, along with the contractors, the economic consequences of the suspension of Federal contract awards. Memorandum of July 17, 1967 from Adrian Dove to Edward C. Sylvester, Jr., Director, OFCC, and attachments. Prior to the suspension of contract awards in Cleveland, the OFCC compliance efforts had resulted in the admission of two Negro journeymen into craft unions over a period of a year. *Cleveland Hearing* at 490.

[97] See *Marshall and Briggs* at 11–13, 14–15. One way in which the Federal government supports apprenticeship programs registered with the Department of Labor is by allowing the payment of less than journeyman wages to apprentices on Federal construction projects. Absent this provision, apprentices would have to be paid the "prevailing wage", which is higher. 40 U.S.C. § 276a (Supp. 1966); 41 CFR § 50-201.1101. Registered programs also benefit from Federal grants to vocational schools under the Vocational Education Act of 1946, 20 U.S.C. § 15, et seq.

[98] The Act of Aug. 16, 1937, 50 Stat. 664, as amended, 29 U.S.C. § 50, provides that the U.S. Department of Labor shall promote labor standards for apprenticeship and shall cooperate with State apprenticeship programs. Under that statute, the Department of Labor has issued regulations which set forth Federal standards and provide for "registration" of apprentice training programs which meet those standards. 29 C.F.R. Part 30.

[99] 29 C.F.R. § 30.3(a) provides that the selection of apprentices shall be "on the basis of qualifications alone". Section 30.4(a) provides:

> Where the number of applicants meeting the minimum qualifications requirements is greater than the number of job openings, "qualifications alone" means (*a*) that the applicants are ranked on the basis of criteria which measure comparative qualifications (e.g., fair aptitude tests, etc.) and are selected on the basis of the rankings, or (*b*) that without ranking each individual, criteria which measure comparative qualifications are used to identify the "best qualified" in a total number not in excess of the total number of apprenticeship openings and the order of selection for employment from within the "best qualified" group is determined through any nondiscriminatory system.

For a discussion of BAT regulations governing discrimination in apprentice programs, see *Marshall and Briggs* at 197–201.

[100] *Cleveland Hearing* at 467–75.

[101] 29 C.F.R. § 30.16. Registration with the State Apprenticeship Council enables apprentices to obtain a certificate which is recognized throughout the United States and helps apprentices in obtaining draft deferments. In addition, employers know that a registered program has met minimum State standards for competent training. Information obtained from Glen Mitchell, Deputy Director of the Office of Special Activities, Bureau of Apprenticeship Training, U.S. Department of Labor. Memorandum of conversation, Sept. 15, 1967, Commission Files.

[102] *Cleveland Hearing* at 476–77.

[103] *Id.* at 468, 472.

[104] *Id.* at 469–70. Mr. Kilbane explained: "Now we do find with a boy who gets an extremely high grade on this aptitude test isn't always the boy that's going to make the best plumber. Sometimes you can find after six months, he is starting to tell the plumber what to do." *Id.* at 471.

[105] *Id.* at 477–78.

[106] *Id.* at 478–79.

[107] *Id.* at 479.

[108]

> [T]here has been a steady decline or stagnation in manufacturing employment in the Northern and Western cities to which so many [Negroes] have been moving. During the period 1960–64, manufacturing employment in the nation increased by 3.0 percent. However, it decreased by 2.0 percent in New York, Chicago, Philadelphia, Detroit, Washington, D.C., Los Angeles, Cleveland, St. Louis, Newark, Cincinnati, and Pittsburgh combined. In New York the drop was 8.2 percent; in Philadelphia, 3.9 percent; in Newark 3.1 percent; and in Pittsburgh, 4.7 percent. D. P. Moynihan "Employment, Income, and the Ordeal of the Negro Family," 94 *Daedalus* 745–53 (Fall 1965).
>
> One of the prime causes of this failure to match available jobs with available personnel is the movement of new jobs into the suburbs and out of large central cities. . . .
>
> The steady trend of this movement is illustrated by the concentration of new factory and commercial buildings in the ring of metropolitan areas rather than in the central city as evidenced by data on the value of building permits issued,

> both recently (1960–65) and since 1954. . . . In the same periods, also, a relatively large proportion of community buildings, such as schools and hospitals, has been constructed in the suburbs instead of the city. These buildings represent a large capital investment, leading to substantial increases in suburban employment, especially in industry, retail and wholesale trade, and business, professional, and technical services. Many of these jobs created are within the capabilities of the people who need employment opportunities, but most of the new jobs are too distant and difficult to reach. Dorothy Newman, "The Decentralization of Jobs," 90 *Monthly Labor Review* 7 (May 1967).

[109] *Bay Area Hearing* at 402. "The trend to place new structures in the suburbs—particularly those devoted to factories and trade, and to a smaller extent, to schools and hospitals—is especially marked in the North, where central cities of the largest SMSA's tend to be old and the flight of population to the suburbs has been going on for many years. Northern cities are frequently handicapped by narrow streets, one way traffic patterns, obsolescent structures, and rapidly changing neighborhoods." Newman, *supra* note 108 at 8. See also J. R. Meyer, J. F. Kain, M. Wohl, *The Urban Transportation Problem* chapters 1, 2, and 3 (1965).

[110] *Bay Area Hearing* at 276.

[111] *Cleveland Hearing* at 102. "The movement of industry from the central city has separated the place of residence of the unemployed or under-employed worker from prospective places of work. [As a result] . . . the unemployed worker no longer has adequate labor market information readily accessible to him. Workers usually find employment through leads they receive from friends and neighbors and by applying at the plant gate. Where the neighbors are unemployed or are employed only in industries which are not expanding or in the type of low paid occupations where working conditions are undesirable, these usual methods of finding jobs are not helpful. Many of the better jobs that are available are in expanding industry located far from the job-seeker's place of residence. They are not made known to him even through help wanted advertisements in newspapers since factories outside the central city are likely to place their advertisement for help in local neighborhood papers." *The Manpower Revolution in the Central City,* address by Louis F. Buckley, Regional Administrator, U.S. Dept. of Labor, Bureau of Employment Security before the Fordham University Alumni Institute, Nov. 2, 1966, entered into the Record of the *Ribicoff Subcommittee Hearings,* pt. 8 at 1780 (1966).

[112] *Bay Area Hearing* at 16 and 588.

[113] "Public transportation to the suburbs is usually expensive, often circuitous, or simply not available. . . . The distances for which public transportation is provided vary, but it is obvious that a minimum of $3 a week (or almost $15 a month), plus more than an hour a day, including transfers and waiting, would have to be spent by a city resident to work in the suburbs. Furthermore, rush-hour schedules are not usually arranged to speed transit users to the outside in the morning and to the inside in the evening, as is frequently done for commuters in the opposite direction.

There is substantial evidence that central city residents using public transport spend more money and time to reach suburban jobs than those commuting to the city. Those wanting jobs at a substantial distance, or beyond bus or rapid transit lines, pay an especially high price. According to estimates by the Traffic Commission of New York City, it would cost a worker in Harlem $40 a month to commute by public transportation to work in an aircraft plant in Farmingdale

(Long Island), in a parts plant in Yonkers or Portchester (Westchester), or in a basic chemical plant or shipyard on Staten Island." Newman, *supra* note 105 at 9–10.

"Most nonwhite families living in central cities do not have an automobile. Fewer than half owned a car in eight of the 14 central cities in the Standard Metropolitan Statistical Areas selected for study. The six cities where half or more of the nonwhite families owned a car were all in the Midwest or the West, where median incomes are highest." *Id.* at 11. Based on *Census of Housing: 1960, United States Summary, States and Small Areas,* HC (1), No. 1, table 19 (U.S. Bureau of the Census). See also, J. R. Meyer, J. F. Kain, M. Wohl *supra* note 109.

[114] *Bay Area Hearing* at 601–02.

[115] *Gary Transcript* at 29.

[116] *Id.* at 38–39. Although many families on welfare live in public housing projects, they dislike the impersonality and lack of privacy in the projects. Mrs. Hattie Mae Dugan, in Cleveland, testified:

> . . . I would love to live in a regular house. I don't really go for Projects. I don't like to be cooped up and I don't like to know what the next neighbor is cooking, what they are saying, . . . *Cleveland Hearing* at 31.

Robert Jacobs said that in the Potrero Hill project in San Francisco the "public housing administration hasn't done anything to make one feel like they are a part of this city." Many tenants would move out if they could, he testified. *Bay Area Hearing* at 53.

[117] *Gary Transcript* at 29–30.

[118] *Racial Isolation in the Public Schools* at 23–24.

[119] Recent publications documenting discrimination in housing include: Massachusetts State Advisory Committee to the U.S. Commission on Civil Rights, *Report on Massachusetts: Housing Discrimination in the Springfield-Holyoke-Chicopee Metropolitan Area* (1966); Utah State Advisory Committee to the U.S. Commission on Civil Rights, *Discrimination in Housing in Utah* (1966); Tennessee State Advisory Committee to the U.S. Commission on Civil Rights, *Housing and Urban Renewal in Nashville-Davidson County Metropolitan Area* (1967).

[120] *Cleveland Hearing* at 175–77.

[121] *Id.* at 177.

[122] *Id.* at 104, 106.

[123] *Id.* at 76.

[124] *Id.* at 200.

[125] *Proceedings Before the Tennessee State Advisory Committee to the U.S. Commission on Civil Rights in Nashville, Tennessee Dec. 9–10, 1966* at 122–23 [hereinafter cited as *Nashville Transcript*].

[126] *Id.* at 126–27. The New York Times reported in June, 1967, that 76 prominent residents of Chicago's exclusive northern suburbs had called at 75 real estate offices in that area on June 10, 1967, to seek housing for Negroes. According to the Times, the residents reported outright prejudice on the part of 26 realtors and found 34 realtors who would make appointments for Negroes to see homes for sale. They turned up only 38 listings open to Negroes out of more than 2,000 homes in the area listed for sale. N.Y. Times, June 15, 1967 p. A1, col. 4.

[127] *Bay Area Hearing* at 215.

[128] *Proceedings Before the Georgia State Advisory Committee to the U.S. Commission on Civil Rights in Atlanta, Georgia April 8, 1967* at 333.

[129] *Bay Area Hearing* at 103, 139. For discussion of discrimination by builders, see the material in the text relating to practices by users of FHA insurance, who are mostly builders and developers of multi-family housing units *infra.*

[130] Massachusetts State Advisory Committee to the U.S. Commission on Civil Rights, *Discrimination in Housing in the Boston Metropolitan Area* 22 (1963).

[131] *Cleveland Hearing* at 178.

[132] *Bay Area Hearing* at 103–06.

[133] *Nashville Transcript* at 309, 312. "In Metropolitan Washington, regional planning agencies recently devised a 'Plan for the Year 2000'. This plan is essentially a general set of principles for meeting the needs of a population that is expected to grow to more than twice its present size before the end of the century. The plan suggests that future growth be channeled along six radial 'corridors' extending outward in star fashion from the central city. . . .

The plan, however, fails to take into account one vital consideration: the effect of race. If the movement of the city's population continues in its present directions, three of the planned corridors will be heavily Negro. They will have their central origins in neighborhoods which currently are Negro and which already are expanding outward in the directions proposed by the plan. The other three corridors will be almost exclusively white, since they originate in the only white residential areas that remain within the city. Thus segregation will be extended . . . into the new suburbs." Eunice and George Grier, "Equality and Beyond: Housing Segregation in the Great Society" 95 *Daedalus* 77, 88–89 (Winter 1966).

[134] *Nashville Transcript* at 309, 312. Mr. Deep also stated that in selecting sites for public housing he did not take into consideration whether the concentration of disadvantaged and Negro children in one school would depress the educational standards of that school. *Id.* at 313.

The Housing and Urban Development Department defines an integrated public housing project as one "with white and Negro tenants without limitations of any kind on either group." Statistics Branch, Housing Assistance Administration, Department of Housing and Urban Development, *Statistics on HAA Operations, Occupancy in Federally-Aided Low-Rent Public Housing As of September 30, 1966* at 11 (Section 223.0, Aug. 2, 1967). Thus, a project would be characterized as integrated if it had one Negro tenant and all the rest white tenants or one white tenant and all the rest Negro. Using this definition, HUD reported that on Sept. 30, 1967, 30 percent of the projects in the Nation were integrated. By Housing Assistance Administration Regions, 75 percent of the projects in the New York region were integrated; Philadelphia, 50 percent; Atlanta, 7 percent; Chicago, 42 percent; Fort Worth, 16 percent; and San Francisco, 59 percent. *Id.* at 9.

[135] *Newark Transcript* at 118–19.

[136] Tennessee State Advisory Committee to the U.S. Commission on Civil Rights, *Housing and Urban Renewal in the Nashville-Davidson County Metropolitan Area* 1, 10 (February 1967).

[137] *Newark Transcript* at 199.

[138] *Cleveland Hearing* at 156–57. In its report on *Racial Isolation in the Public Schools,* the Commission described several instances of segregation in public housing projects. In San Francisco, six projects, totaling more than 2,300 units, each

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predominantly Negro, are grouped on Hunters Point. The percentages of Negroes in the six projects in 1966 were: 72 (two projects combined), 90, 94, 93, and 90. In Cincinnati, two projects in close proximity to each other—Lincoln Court and Laurel Homes—were together 99.7 percent nonwhite in 1966. "The most extreme example, perhaps, is Robert Taylor Homes, a project in Chicago. Opened in 1961–62, it contains 4,415 units, 75 percent of them designed for large families. Of the 28,000 tenants, some 20,000 are children. The entire occupancy is Negro. . . ." *Racial Isolation in the Public Schools* at 37–38 (1967) (footnote omitted).

[139] *Cleveland Hearing* at 162.

[140] *Voice of the Ghetto* at 16–17.

[141] *Cleveland Hearing* at 165.

[142] *Id.*

[143] Exec. Order No. 11063, 27 Fed. Reg. 11527 (1962). Under the terms of the order, discrimination is prohibited "in the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof" *if such property and related facilities were provided under federal aid agreements executed after the effective date of the Order*, Nov. 20, 1962. Section 101. Thus, existing housing and housing not yet built, but with respect to which an agreement for financial assistance was made before Nov. 20, 1962, are unaffected by the mandatory requirement of nondiscrimination. Such housing is covered by Section 102 of the Order which permits executive departments and agencies to use their "good offices" in finding ways "to promote the abandonment of discriminatory practices."

The Order covers only a fraction of the home financing in which Federal agencies play a part. "The great bulk of the nation's housing is financed, not through the FHA or VA loan guarantee programs, but through conventional financing, largely through federally supervised mortgage lenders. Yet, all of this housing is excluded completely from coverage. . . ." M. Sloane, "One Year's Experience: Current and Potential Impact of the Housing Order", 32 *Geo. Wash. L. Rev.* 457 (1964) (footnote omitted).

[144] C. Abrams, "The Housing Problem and the Negro", 95 *Daedalus* 64, 69 (Winter 1966).

[145] The segregated housing patterns that exist today are due in large part to racially discriminatory FHA policies in effect during the post World War II housing boom. FHA and the VA together have financed more than $117 billion-worth of new housing since World War II. Less than two percent of it has been available to nonwhite families, and much of that on a strictly segregated basis. In 1938 the official FHA *Underwriting Manual* cautioned homebuyers: "If a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial group." The manual recommended use of restrictive covenants to keep out "inharmonious racial groups." And it provided a model restrictive covenant for any reader who couldn't write his own. U.S. Commission on Civil Rights, *Housing* 1961 at 16 and 59; National Committee Against Discrimination in Housing, *How the Federal Government Builds Ghettos*, 18–19 (Feb. 1967).

Negro applicants for FHA-insured housing often are subjected to discriminatory practices. During the summer of 1966, members of the Utah State Advisory Committee to the U.S. Commission on Civil Rights telephoned 20 rental agents for recently constructed FHA-financed apartments and asked them if they would consider a Negro applicant for the housing they had advertised in the newspaper. "There were two positive responses, 10 negative answers and eight equivocal replies to the inquiry. Some of the responses were prefaced with statements such as: 'I wish I could,' 'I'm so sorry I can't' and 'The neighbors wouldn't stand for it.' The results of the telephone inquiry were sent to the director of the local FHA who notified the rental agents that they were in violation of Executive Order 11063. A second telephone survey by the Subcommittee produced identical results and this information again was conveyed to the local FHA office. This time the director said he paid personal calls on each of the rental agents or owners." The report did not indicate what results were achieved. Utah State Advisory Committee to the United States Commission on Civil Rights, *Discrimination in Housing in Utah* 5–6 (1966).

The American Friends Service Committee recently documented the experience of a Negro homeseeker in Prince George's County, Md., who was required to make 69 telephone calls, attend 13 meetings, write 10 letters and obtain legal counsel before he could buy a home in an FHA-insured development. *A Report to the President: AFSC Experience and Recommendations re: Executive Order 11063 on Equal Opportunity in Housing* i–viii (1967) [hereinafter cited as *AFSC Report*].

The National Committee Against Discrimination in Housing also reported the following account of racially discriminatory practices by brokers managing and selling houses repossessed (and owned) by FHA:

> In Philadelphia last year fair housing forces made a study of how FHA handles the properties it acquires. (FHA and the Veterans Administration together acquire at least 100,000 such properties annually, most of them single-family houses and all of them subject to the Housing Order.) As in other cities, Philadelphia's FHA office gives its acquired property listings to area real estate brokers who earn a commission for every property they sell.
>
> In "paired" tests of ten different brokers—a Negro applicant followed closely by a white applicant—investigators discovered "a significant pattern of discrimination being practiced by brokers who manage and sell such properties for FHA."
>
> *How the Federal Government Builds Ghettos* at 27.

[146] Memorandum from Henry B. Schechter, Director, Office of Economic and Market Analysis, Department of Housing and Urban Development, to Robert C. Weaver, Secretary, dated Feb. 21, 1967, copy in Commission Files on Low-Income Housing Study.

The total number of new FHA insured units from the date of the Executive Order to Oct. 31, 1966 was 740,000; the total number of VA guaranteed or direct loan units for the same period was 427,000. *Id.*

[147] *Bay Area Hearing* at 183.

[148] *Id.* at 181.

[149] *Id.* at 183. This view of the probable effect of a stringent enforcement policy is widespread throughout the agency. The *AFSC Report* stated that:

> Housing agency staff often justify their failure to implement the Executive Order by the statement that recommended changes would not be "good business" for FHA. They ignore the fact that present procedures, based on narrow concepts of good business, are very bad for the nation as a whole and have increased the burdens upon other arms of government, including other agencies in the Department of Housing and Urban Development (p. 4).

Secretary Weaver of the Department of Housing and Urban Development, in a speech before the 1966 Conference of the National Urban League, stated that

FHA officials fear that strong backing of the Executive Order would reduce FHA volume and endanger their jobs in the process (*Id.* at 5).

[150] *Bay Area Hearing* at 191.

[151] *Id.* at 183.

[152] *Id.* at 136.

[153] *Id.*

[154] In its Report to the President, the AFSC denounced this practice:

> We believe that this is an inappropriate and inadequate means for assuring compliance with Federal law and the Executive Order. Our experience has shown that the minority buyer to overcome the barriers put in his way, would have to be a model of courage, endurance and knowledge, who has a strong fair housing council and perhaps a fee-less attorney at his side—and not have to worry about moving his family in time to enroll his children for the new school semester or to report for duty at his new position. When a Negro homeseeker must take the step of filing a complaint before he can secure a home, the Executive Order's mandate of nondiscrimination has not been met. Equal opportunity in housing can not exist until discriminatory practices have been discontinued. Achievement of this end involves a positive approach and an inspection program which do not exist in either FHA or VA. *AFSC Report* at 4–5.

Former Attorney General Katzenbach when testifying in support of the Civil Rights Act of 1966, summarized FHA's enforcement efforts under the Executive Order: 11 builders had been placed on an ineligible list, 4 of whom had subsequently been reinstated; "about 118 complaints" had been received and "about 29 complainants" got their housing. *Hearings before Subcommittee No. 5 of the House Committee on the Judiciary on Miscellaneous Civil Rights Proposals,* 89th Cong., 2d Sess., Ser. 16 at 1311 (1966).

[155] *Bay Area Hearing* at 135.

[156] *Id.*

[157] *Id.* at 139. The *AFSC Report* made the following assessment of agency action implementing the Order: "No guidelines for compliance by builders, brokers, and lenders have been established by the Federal agencies. No initiative has been taken to determine whether or not nondiscrimination and equal opportunity prevail in the sale of federally assisted housing. The enforcement machinery is so inadequate that clear violations of the Order are usually not remedied unless there has been an enormous expenditure of time and effort by the complainant and by concerned agencies" (pp. 2–3).

The Committee concluded that:

> 1. Executive Order 11063 is being widely and flagrantly violated by builders, brokers and lenders.
> 2. Implementation of the Order by the Federal Housing Administration (FHA) and the Veterans Administration (VA) has been at best ineffective, and at worst subversive of the goal of equal opportunity in housing (p. 1).

[158] *Cleveland Hearing* at 71.

[159] *Id.* Asked what had happened to his complaints, Mr. Simmons stated:

> Two are still pending. They have not been settled. One was settled when the field representative met with the owner and the owner told him that the place had already been rented. The owner then sent me a letter advising me that when something else became available, he would so notify me. We were then invited out to see another place and we decided it was not what we wanted and we refused it. *Id.*

[160] *Id.* at 72.

# Footnotes to Chapter 5.

[1] *Rochester Hearing* at 121.

[2] *Racial Isolation in the Public Schools* at 11–13.

[3] *Bay Area Hearing* at 683.

[4] *Id.* at 673.

[5] In *Division Street, America* by Studs Terkel (1967), a book which consists of tape-recorded interviews with a cross-section of persons living in and around Chicago, a middle-aged white man who left a suburb of Chicago in order to live and work in the ghetto describes his former neighbors as irresponsible:

> We're living in two different worlds. Occasions have arisen when we visit close friends of ours, a couple. We can't help but talk about the inner city. They'd immediately get us off the subject.
>
> • • •
>
> When you're running away, as a retreat, into a suburb, you *can't* say you're concerned. You might give a token response, in economic help or a few hours a week. But you can't convince me you're concerned. Most of the problems are discussed in the abstract. They intellectualize a great deal. Whether it's the atom bomb or integration or housing, it's always out *there*. Away from *them* (p. 321).

[6] *Bay Area Hearing* at 457.

[7] *Id.* at 444.

[8] *Cleveland Hearing* at 208–10.

[9] *Bay Area Hearing* at 612.

[10] *Id.*

[11] *Id.* at 610, 613.

[12] *Cleveland Hearing* at 208–09, 211.

[13] *Bay Area Hearing* at 619, 624.

[14] *Id.* at 624. On occasion, some companies and unions have taken positive steps to ease the housing problems of minority employees. When the Armour Company closed its Kansas City plant and transferred part of its operations to a new plant being built in the white community of Worthington, Minnesota, 41 Negroes and 4 Spanish-Americans decided to exercise their transfer rights and began working at the new plant. For a long period before the actual transfer, a joint union-management committee . . . prepared the citizens of Worthington for the entry into it of members of minority groups. This preparation resulted in the assimilation of the transferees into the community without incidents, and without housing discrimination. James L. Stern, "Adjustment to Plant Closure: Cooperation in Planning for the Transfer of Negro Workers Into a White Community," 90 *Monthly Labor Review* 42 (Jan. 1967).

[15] *Bay Area Hearing* at 571–72.

[16] *Id.* at 551.

[17] *Id.* at 565–70.

[18] *Id.* at 551–54, 558–59.

[19] *Id.* at 573.

[20] *Id.* at 578.

[21] *Id.* at 575.

[22] *Id.* at 577.

[23] *Id.* Many businessmen earning a large portion of their incomes from investment in the ghetto feel no obligation to correct even those conditions directly connected with the source of their income or caused by the manner in which they manage their investment. In his study, George Sternlieb stated:

> It is obvious that the substantial owner of slum real estate is not in business for altruistic purposes. The really active owner may buy and sell parcels at a considerable rate. As such, the individual parcel may have little meaning for him. It becomes an impersonal element in his business life, having no relationship to the fact that people live in it. For example, one of the major owners interviewed in the course of this study secured a parcel in . . . [one of the Newark slum areas surveyed] as part of a package deal involving six parcels. He told the interviewer:
>
>> As soon as I bought the parcel; and I bought it as part of a package; I looked around to try to get rid of it. It was in lousy condition, and simply wasn't worthwhile keeping. It took me the better part of four years to sell the parcel in question. . . . It wasn't worth my while to improve the parcel since I planned on selling it.
>
> In this particular case the parcel, for three or four years, just consistently degenerated.
>
> * * *
>
> *There is an obvious gap between ownership and feeling of responsibility.*

*The Tenement Landlord* at 139 (emphasis in original).

[24] *Boston Hearing* at 142. See also Alice Miel and Edwin Kiester, Jr., *The Shortchanged Children of Suburbia: What Schools Don't Teach About Human Differences and What Can be Done About It* (1967).

[25] *Boston Hearing* at 164. A white policeman, interviewed in Terkel's *Division Street, America* (p. 82), expressed similar views, although in somewhat resigned terms:

> You say you'd rather have your son go to a public school because he's gonna have to get along with those people and he might as well start young. The same as going to school with the colored. You're going to have to get along with them. They're here, so you might as well go to school with them and get along with them.

[26] *Boston Hearing* at 162.

[27] Marshall B. Clinard, a Professor of Sociology at the University of Wisconsin, writing of the social reaction of nonslum dwellers to those who live in the slums, says that those in the larger community come to associate the ugly physical appearance, squalor, and difficult living conditions of the slums with the inhabitants themselves. According to Clinard, the resultant belief in the "natural inferiority" of the slum dwellers causes the social isolation of the slum dweller and his exclusion from participation in urban society. *Slums and Community Development* 14 (1966).

[28] *Bay Area Hearing* at 690–91.

[29] *Id.* at 610.

[30] *Id.* at 680.

[31] *Id.* at 680.

[32] *Id.* at 676.

[33] *Id.* at 677. See also "A Time for Burning," a film made by the Lutheran Film Association, which deals with an unsuccessful attempt to integrate a church in Omaha, Nebr. *Division Street, America, supra* note 5 at 141, recounts an incident reported by the wife of a lawyer in Evanston, Illinois, whose husband had

tried to find a house in Evanston for a Negro family. The lawyer knew of a house that was available, through an agent, and he showed it to the Negro family:

> When he returned the key—perhaps this is Jim's naiveté as many people will say—he said to the agent, 'I have just showed the house to a very nice Negro doctor and his wife and they seem to think that it's very nice.'
>
> He had no sooner left the house when the telephone started ringing. By the next morning, he had been accused of being deceitful and underhanded, trying to move a Negro family into this white area. Jim has gone to our rector, because these Negroes happened to be of the same denomination as we. He thoroughly approved because he wanted our congregation to be aware of the need for more brotherly recognition of all people. It was surprising that people who were so vilifying were the ones who went to our minister and said that if Jim were not excommunicated, they would leave the church.
>
> This was the first time we realized how cruel your closest friends could be. How fear, and it was fear, you see, that their houses would lose property value—that through fear, they can vilify people. It's really devastating.
>
> From then on, we really knew where we stood. We knew why we stood the way we did. This was one of those things we were going to have to stand on. You have to become hardened to the hate you're going to receive, even from those people you would like to call your best friends.

[34] See, for an example to the contrary, the Code of Ethical Practices governing real estate transactions in neighborhoods undergoing racial transition, adopted by the Germantown, Pennsylvania Realty Board. The Code is reprinted in Appendix B of Eleanor Leacock, Martin Deutsch, and Joshua Fishman, *Toward Integration in Suburban Housing*, an undated publication of the Anti-Defamation League of B'nai Brith, at 44–45.

[35] *Bay Area Hearing* at 74.

[36] *Id.*

[37] *Id.* at 74–75.

[38] *Id.* at 75.

[39] *Id.* at 49–51.

[40] *Id.* at 39.

[41] *Id.* at 18, 28.

[42] *Id.* at 70.

[43] *Boston Hearing* at 129–30.

[44] *Id.* at 130.

[45] *Id.*

[46] *Cleveland Hearing* at 333–34.

[47] *Id.* at 335.

[48] *Id.*

[49] *Id.* at 342.

[50] *Id.* at 340.

[51] *Rochester Hearing* at 115–18.

[52] *Id.* at 121. Leacock, Deutsch and Fishman, *supra* note 34 at 34, commented after their study:

> We have concluded that outright "prejudice" is not the most important motive for moving away from a changing community. . . . [M]any studies have made clear how important a role segregation plays, both economically and psychologically, in defining success and status for white Americans. Competition for secure occupational positions often requires that one live in a neighborhood considered to have 'prestige.' This means, among other things, that it must be all-white or virtually so. Thus it is not necessarily those with the most obviously prejudiced

> personal attitudes who move quickly, but those most committed to success and occupational status and most able to act quickly on this commitment.

[53] *Rochester Hearing* at 121.

[54] In the 1966–67 school year, 25 children in Rochester (24 Negro and one white) participated in the program. This year the program has been expanded to include an additional 39 children. Telephone conversation with William Heinrich, Coordinator of Personnel, West Irondequoit School District, Sept. 19, 1967.

[55] *Bay Area Hearing* at 675.

[56] *Id.*

[57] *Cleveland Hearing* at 613.

[58] *Newark Transcript* at 198.

[59] *Cleveland Hearing* at 454, 466.

# Footnotes to Chapter 6.

[1] *Bay Area Hearing* at 443.

[2] The belief of Negro Americans that white Americans have failed to commit sufficient effort and resources to meet ghetto problems has been reported widely in recent months. See, for example, "The Hard-Core Ghetto Mood," *Newsweek Magazine,* Aug. 21, 1967, pp. 20–26; J. Anthony Lukas, "Postscript on Detroit: 'Whitey Hasn't Got the Message'", N.Y. Times magazine, Aug. 27, 1967, p. 24; "Blow-Up in the Cities," *The New Republic,* Aug. 5, 1967, p. 5.

The President's Commission on Law Enforcement and the Administration of Justice has confirmed the widespread existence of this feeling:

> The slums of virtually every American city harbor, in alarming amounts, not only physical deprivation and spiritual despair but also doubt and downright cynicism about the relevance of the outside world's institutions and the sincerity of efforts to close the gap. *Task Force Report: Juvenile Delinquency and Youth Crime* 43 (1967).

[3] *Bay Area Hearing* at 270, 272.

[4] *Cleveland Hearing* at 619.

[5] *Voice of the Ghetto* at 5.

[6] *Bay Area Hearing* at 249.

[7] *Los Angeles Transcript* at 369–70. The McCone Commission noted the contrast between efforts to improve slum schools in South Central Los Angeles after the Watts riots in that area and the lack of similar efforts in Mexican American areas which had not experienced a riot:

> A substantial improvement has been made in library, cafeteria, and counseling facilities in schools in the South Central area, and many additional facilities are programmed. (Regrettably there has not been a comparable improvement in schools in the Mexican American areas, and we sound a sharp note of concern on this point.) Governor's Commission on the Los Angeles Riots, *Staff Report of Actions Taken to Implement the Recommendations in the Commission's Report* 2–3 (1966). Letter of Transmittal from John A. McCone, Chairman of the Governor's Commission, to Edmund G. Brown, Governor of the State of California.

[8] *Bay Area Hearing* at 205. For an account of problems of discrimination and exploitation of Chinese Americans in San Francisco's Chinatown, see "The Other Face of Chinatown," a four-part series appearing in the San Francisco Examiner, Aug. 14–17, 1967.

[9] *Bay Area Hearing* at 231.

[10] *Cleveland Hearing* at 339.

[11] *Bay Area Hearing* at 277.

[12] *Id.* at 229.

[13] *Id.* at 461.

[14] *Los Angeles Transcript* at 384–85.

[15] *Rochester Hearing* at 8–9.

[16] For a current review of Negro youth problems see, *Ebony Magazine, Special Issue "Negro Youth in America"* August, 1967; see also Samuel D. Proctor, *The Young Negro in America, 1960–1980* (1966).

[17] *Bay Area Hearing* at 284.

[18] *Id.* at 445.

[19] *Id.* An early prediction of a buildup of social unrest and potential violence among Negro ghetto youth was that of Dr. James B. Conant, who wrote in 1961:

> What I should like to do is to create in the reader's mind a feeling of anxiety and concern. For without being an alarmist, I must say that when one considers the total situation that has been developing in the Negro city slums since World War II, one has reason to worry about the future. The building up of a mass of unemployed and frustrated Negro youth in congested areas of a city is a social phenomenon that may be compared to the piling up of inflammable material in an empty building in a city block. Potentialities for trouble—indeed possibilities of disaster—are surely there. *Slums and Suburbs* 18 (1961).

[20] *Bay Area Hearing* at 249.

[21] *Id.* at 269.

[22] *Id.* at 55.

[23] *Id.* at 42.

[24] *Id.* at 229.

[25] *Id.*

[26] *Id.* at 233.

[27] *Id.* at 49.

[28] *Id.* at 48.

[29] *Id.* at 461.

[30] *Id.* at 55.

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